

CHARLES R. BEITZ

POLITICAL

THEORY and

INTERNATIONAL

RELATIONS

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With a new afterword by the author

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INTERNATIONAL RELATIONS



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POLITICAL THEORY AND
INTERNATIONAL RELATIONS

With a New Afterword by the Author

Charles R. Beitz

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Contents

	Preface	vii
	Introduction	3
Part One.	International Relations as a State of Nature	11
	1. The Skepticism of the Realists	15
	2. The Hobbesian Situation	27
	3. International Relations as a State of Nature	35
	4. The Basis of International Morality	50
	5. From International Skepticism to the Morality of States	63
Part Two.	The Autonomy of States	67
	1. State Autonomy and Individual Liberty	71
	2. Nonintervention, Paternalism, and Neutrality	83
	3. Self-determination	92
	4. Eligibility, Boundaries, and Nationality	105
	5. Economic Dependence	116
	6. State Autonomy and Domestic Social Justice	121
Part Three.	International Distributive Justice	125
	1. Social Cooperation, Boundaries, and the Basis of Justice	129
	2. Entitlements to Natural Resources	136
	3. Interdependence and Global Distributive Justice	143
	4. Contrasts between International and Domestic Society	154
	5. The Rights of States	161
	6. Applications to the Nonideal World	169
	Conclusion	177
	Afterword	185
	Works Cited	221
	Index	237

Preface

POLITICAL theorists have paid insufficient attention to a variety of philosophically interesting and practically important normative problems of international relations because they have accepted uncritically the conception of the world developed by Hobbes and taken over by many recent writers. By accepting the conception of international relations as a state of nature, they have committed themselves to the view that international relations is primarily concerned with "the rivalries of nation-states, and with the traditional *ultima ratio* of those rivalries—war."¹ As a result, other pressing questions of contemporary international relations have been neglected, and the current debate about new structures of world order has taken place without benefit of the insight and criticism that political philosophers should provide.

This book is an attempt to work out a more satisfactory international normative political theory through a critique and revision of orthodox views. To assert the possibility of international political theory, one must first reexamine the traditional image of international relations as a state of nature and purge it of its skeptical elements. The traditional alternative to this view, which I call the morality of states, must be reconstructed to correct for the persistent misunderstanding of the notion of state autonomy. The result is a third view of international morality, which might be described as cosmopolitan.

Many people helped me to develop these thoughts. It is a pleasure to record my thanks to these people here.

Thomas Scanlon and Dennis Thompson supervised the preparation of an earlier version of this book as a doctoral dissertation in the political philosophy program at Princeton and continued to help when I undertook extensive further revisions. It is impossible to imagine more supportive advisors or rigorous critics. They cheerfully read a seemingly endless

¹ Stanley Hoffmann, *The State of War*, p. viii.

series of drafts of the manuscript and provided warm encouragement in the periods when my doubts and second thoughts gained the upper hand. In a larger sense, I benefited from their efforts, with others, to create a flourishing community of interest in political theory at Princeton, in which writing a thesis could be, and was, a pleasure. For all of this, and for their continuing friendship, I am most grateful.

Huntington Terrell stimulated my interest in international ethics when I was an undergraduate at Colgate and has encouraged my work in this area ever since. He read the present manuscript with exceptional care and pointed out many philosophical errors and infelicities of language that I would not have noticed otherwise. I am indebted to him for this, and for teaching me some Socratic virtues, as well: he combines a skepticism of received ideas with a conviction that moral philosophy can meet the highest analytical standards without sacrificing relevance to practical affairs.

Several other people commented on the manuscript in its various incarnations. Paul E. Sigmund and Robert C. Tucker offered criticisms at my final public oral examination for the Ph.D. and were good enough to amplify their remarks later. Written comments on a subsequent version from Brian Barry and Robert O. Keohane helped me to improve the argument in many ways. Portions of the manuscript were reviewed and criticized by Jeffrey Hart, William Hirsch, David Hoekema, J. Roland Pennock, and Sheldon S. Wolin. I benefited from their criticisms and suggestions even when I was not persuaded by them, since I was at least forced to make my own views clearer.

I was lucky to have the help of Eleanor Bennett in the preparation of the final manuscript. She not only brought order out of a chaos of revisions, but also contributed a good measure of whatever literacy the manuscript now possesses. I am also happy to thank Paula Smith for her careful and efficient work on the index.

For financial support at various stages of my work, I am grateful to Princeton University, the Morris Abrams Award in International Relations, and Swarthmore College. The discussion of international distributive justice is based on my

PREFACE

ix

article, "Justice and International Relations" (*Philosophy and Public Affairs* 4, no. 4 [Summer 1975], pp. 360-89), portions of which are reproduced by permission of Princeton University Press, the holder of the copyright.

Finally, I owe debts of a different kind to my parents, Jean and Richard Beitz, whose sacrifices made possible much of my education; and to Sherry Swirsky, my best friend, whose encouragement of my work on this book has meant more to me than I can say.

Swarthmore College
October 1978

POLITICAL THEORY AND
INTERNATIONAL RELATIONS

Introduction

IN THE modern history of political theory, and in most contemporary discussions of problems of political philosophy as well, international relations appears largely as a marginal affair. The image of a global state of nature, in which nations are conceived as largely self-sufficient, purposive units, has been thought to capture the relative absence of moral norms governing relations among states. At one extreme of the tradition—represented by Machiavelli, Rodin, and Hobbes—international theory has denied the existence of any controlling universal rules in relations between states, substituting *raison d'état* as the highest norm. Even when the possibility of international moral ties has been granted—for example, in post-Grotian writings on international law—these ties have been held to be substantially weaker than intranational moral bonds precisely because of the absence of supranational political authorities. The only problem in international relations to have gained significant theoretical attention is the justification and prevention of war—the main form of social intercourse in the global state of nature.¹

However justifiable this neglect has been in the past, many recent developments compel us to take another look at the "recalcitrance of international politics to being theorized about."² These developments include the increasing sensitivity of domestic societies to external economic, political, and cultural events; the widening gap between rich and poor countries; the growth of centers of economic power beyond effective regulation by individual states; the appearance of serious shortages of food and energy caused, at least in part, by the pursuit of uncoordinated and uncontrolled growth policies by national governments; and the increasingly urgent

¹ See, for example, the following remark in the introduction to a widely read contemporary work of analytical political philosophy: "In relations between states the problem of establishing a peaceful order overshadows all others." Brian Barry, *Political Argument*, p. xviii.

² Martin Wight, "Why Is There No International Theory?," p. 33.

demands of third world countries for more equitable terms of participation in global politics and economics. To put the point in language more familiar to discussions of this subject, the rise of "welfare questions" in international forums, and of "low politics" in diplomacy, parallels the increasing impact of international arrangements and transnational interactions on human well-being. It is not that "high politics"—that is, the threat and avoidance of war—has become unimportant, but rather that it represents only one of many problems for which solutions must now be sought at the international level.³

These changes in international relations have a threefold relevance to political theory. Since states can no longer be regarded as largely self-sufficient political orders, the image of a global state of nature no longer provides an obviously correct picture of the moral relations among states, persons of diverse nationality, and other actors in the international realm. The orthodox theoretical image of international relations and many practical principles thought to follow from it require critical examination and modification in the face of the new and not-so-new facts of world politics.

At the same time, the attempt to formulate a more satisfactory normative theory puts the facts in a new light and suggests empirical questions that have been answered insufficiently thus far. The answers to such questions might form part of the justification of international normative principles, or they might be required to determine how international principles apply. In either case, a normative theory appropriate to the contemporary world raises questions and suggests problems that deserve greater attention from students of international relations.

Third, and perhaps most important, one must consider the relation of political theory and international practice. Political theory arises from a perception of the possibility of choice in

³ None of the arguments in this book actually turns on the claim that international interdependence is something new. Indeed, it seems more likely that the growth of the world economy did not follow, but rather accompanied, the rise of the modern state. Both were part of the same historical process. Thus, interdependence is at least as old as the modern state. See generally Immanuel Wallerstein, *The Modern World-System*.

political affairs. This possibility is presupposed by criticism of the established order as well as by engagement in efforts to change it. When choices are to be made regarding the ends and means of political action, or the structures and rules of institutions and practices, it is natural to ask by what principles such choices should be guided. An important function of the political theorist is to formulate and examine alternative principles and to illuminate the reasons why some are more persuasive than others. Now the developments that have undermined the orthodox theoretical image of international relations have also weakened the practical consensus that the rules and settled expectations of the present world system are legitimate. An international debate is underway concerning the future structure of world order, but political theorists have failed to provide the kinds of guidance one normally expects from theory in times of political change. Recognizing this, it would be irresponsible not to try to work out the implications for our moral ideas of a more accurate perception of the international realm than that which informs the modern tradition of political theory. For only in this way can we more rationally understand our moral identities and assess the modes of political practice in which we engage.

WHILE a more satisfactory international normative theory is necessary, the would-be international theorist may expect to encounter a variety of obstacles that do not embarrass the political theorist of domestic society. Chief among these is a widespread if unreflective conviction that normative international theory is not possible, since for various reasons (discussed in part one, below) it is thought to be inappropriate to make moral judgments about international affairs. Another obstacle is that it is not clear what the program of international theory ought to be. The main problems of the political theory of the nation-state grow out of the interplay of a rich tradition of philosophical argument and the recurrence of a set of relatively well defined issues in popular political debate. International relations, in contrast, has neither so rich a theoretical tradition nor so well defined or recurrent a set of

political issues. Third, our intuitions about moral problems in international affairs are less firm than our moral intuitions about domestic problems. Whatever one's view about the relation of intuitions and moral theory, it seems clear that the relative paucity of familiar and reliable intuitions about international problems will make it more difficult to formulate and justify normative principles for international practice. Finally, as I shall suggest, many international normative issues cannot be settled definitely without more satisfactory empirical information than is currently available. While empirical considerations are, if anything, more important in international than in domestic political theory, the social science of international relations is less advanced than the science of domestic society.

This book is intended to help lay the groundwork for a more satisfactory normative political theory of international relations. It is important to stress that I do not claim to provide a systematic theory analogous to those found in the familiar treatises on the political theory of the nation-state. In view of the difficulties noted above, this seems too ambitious a goal at present. Instead, I want to show that the obstacles to international theory are not insuperable and that there are international normative problems of sufficient practical importance and philosophical interest to warrant further theoretical effort. In addition, I hope to call into question some received views about international morality and suggest the plausibility of a more cosmopolitan and less state-centered perspective. But I do not regard my normative conclusions as final in any sense, and I have tried to indicate the directions in which criticism of my views seems most promising and further thought seems most needed.

Although my discussion is necessarily preliminary, I hope that it will have several kinds of value in its own right. The most important of these is that it can bring some conceptual clarity to an area in which confusion is endemic. If readers are not persuaded by my criticisms of prevailing views or by the alternative positions I outline, my discussion should at least illustrate the respects in which such views require more careful formulation and defense than they have heretofore

received. Even when I make no attempt to resolve outstanding controversies, my analyses of the normative concepts involved in them should make clear what the controversies are about and what would be needed to resolve them. Further, while not pretending to offer a history of international theory, I have surveyed the tradition of international theory and indicated the ways in which elements of it are relevant to my main concerns.⁴ The tradition is not, in general, very edifying, but nonetheless one finds suggestive formulations and illuminating arguments scattered about within it. Finally, I have given special attention to the relation of the empirical science of international relations and the normative issues of international theory. When possible, I have assessed relevant empirical considerations and shown how these require or incline us to accept some normative positions and to reject others. When necessary, I have tried to formulate unresolved empirical and theoretical problems in such a way as to show how further work on them would influence their resolution.

THIS book has three parts. Each part addresses distinct issues, but the discussion is progressive and suggests the outlines of a more systematic theory. Thus, I argue (in part one) that international political theory is possible, by showing that several arguments for skepticism about international ethics are

⁴ By "the tradition of international theory" I mean the writings of the classical international jurists (like Grotius, Pufendorf, and Wolff); occasional remarks on international relations that appear in treatises primarily devoted to the political theory of the state (like Hobbes's *Leviathan*); and works that consider the causes of war and advance plans for world peace (like Kant's *Perpetual Peace*). Perhaps surprisingly, there is no single work that gives a comprehensive and scholarly analysis of the growth of international thought. The most helpful discussions are: Wight, "Why Is There No International Theory?"; Arnold Wolfers, "Political Theory and International Relations," pp. ix-xxvii; F. H. Hinsley, *Power and the Pursuit of Peace*, and Walter Schiffer, *The Legal Community of Mankind*. A detailed historical survey of the development of the idea of the law of nations, from Thomas Aquinas to the twentieth century, is available in E.B.F. Midgley, *The Natural Law Tradition and the Theory of International Relations*. See also F. Parkinson, *The Philosophy of International Relations*, which contains a helpful bibliography; A.C.F. Beales, *The History of Peace*, and F. Melian Stawell, *The Growth of International Thought*.

incorrect, and furthermore, that the international realm is coming more and more to resemble domestic society in many of the features usually thought relevant to the justification of (domestic) political principles. To support this claim, I examine the traditional image of international relations as a Hobbesian state of nature and argue that it is misleading on both empirical and moral theoretical grounds.

If international skepticism of the sort criticized in part one represents the dominant view about international morality, then views stemming from the modern natural law tradition (which I call the morality of states) might be said to represent the most widely held alternative. Like international skepticism, the morality of states makes use of the analogy of states and persons, but it draws the normative conclusion that states, like persons, have some sort of right of autonomy that insulates them from external moral criticism and political interference. This idea lies behind such principles of international practice as nonintervention and self-determination, and some now familiar moral objections to political and economic imperialism. I argue in part two that the analogy of states and persons is highly misleading here, and that the appropriate analogue of individual autonomy in the international realm is not national autonomy but conformity of a society's political and economic institutions with appropriate principles of justice.

Finally, I return to the analogy of international society and domestic society to discuss whether the two realms are sufficiently similar that arguments for distributive justice within the state carry over into international relations. Current debate about a new international economic order clearly presupposes *some* principle of international distributive justice; I argue that a suitable principle can be justified by analogy with the justification given by John Rawls in *A Theory of Justice* for an intrastate distributive principle. Although it is clear that states continue to have great significance for the world's political and moral order, I argue that the importance which for various reasons we must accord to states does not undermine the case for global redistribution. The argument is of the first importance for the current debate about reforming the

international economic system, for its implication is that the existing global distribution of income and wealth is highly unjust. It is important, as well, for a more refined international political theory, because it suggests that the differences between the international and domestic realms, although significant in some respects, supply no reasons why such devices of domestic political theory as the idea of an original contract should not be extended to international relations.

I have said that this book is a first attempt to provide a political theory of international relations that is more systematic and more consonant with the empirical situation than traditional views. In the conclusion, I characterize such a theory as cosmopolitan (in Kant's sense) and distinguish it from international skepticism and the morality of states.

A consequence of the preliminary character of my remarks is that many questions must be left unanswered. Some of these questions are very important, for both empirical research and practical politics. If there is a defense for leaving such crucial matters open, it is that one cannot confront them responsibly without a prior grasp of the more elementary but also more basic concerns of this book.

I HAVE restricted myself to a few cursory remarks about the application of my views to problems of war and peace. Since these are often taken to be the central problems of international relations, their lack of emphasis in this book deserves some explanation. There are three main points. First, some issues related to war and peace—particularly those having to do with the concepts of violence and nonviolence, war crimes and the rules of war, and collective guilt and responsibility—have received considerable philosophical discussion in the past several years, often of very high quality.⁵ They have not

⁵ Two recent books are especially noteworthy: Michael Walzer, *Just and Unjust Wars*, and W. B. Gallie, *Philosophers of Peace and War*. Also, see the essays contained in three most helpful collections: Richard Wasserstrom, ed., *War and Morality*, Marshall Cohen, Thomas Nagel, and Thomas Scanlon, eds., *War and Moral Responsibility*, and Virginia Held, Sidney Morgenbesser, and Thomas Nagel, eds., *Philosophy, Morality and International Affairs*. On nonvio-

suffered from the general neglect of international relations by moral and political philosophers.

A second point is that some problems about the morality of war, like traditional questions of *jus ad bellum*, cannot be resolved without a more general theory of international right. For example, claims of justice in war often turn on claims that particular rights (e.g., to land) have been infringed or that rules of international conduct (e.g., those defining a balance of power) have been broken. Such claims furnish a justification for resort to war partly because they rest on principles that distribute rights to international actors and define a structure of international life that actors have duties to promote or uphold. But to explain why some such principles rather than others are morally best, one needs an international political theory. If this is true, then much of what I say in this book will be relevant to the problem of *jus ad bellum*, even though I have not usually drawn the connections explicitly.

Finally, I repeat a point with which I began. Contemporary international relations consists of far more than the maneuvers of states "in the state and posture of gladiators; having their weapons pointing, and their eyes fixed on one another . . . ; and continual spies upon their neighbors."⁶ This additional activity raises distinctive moral problems to which solutions are increasingly essential, but which are likely to be overlooked because they fall outside the traditional conception of world politics. I certainly do not mean to suggest that the problems of war and peace are either unimportant or without philosophical interest; but, by setting these issues aside, I hope to show that other problems are at least as important, in some respects more basic, and of considerable philosophical interest in their own right.

lence and pacifism, see especially H.J.N. Horsburgh, *Non-violence and Aggression*.

⁶ Thomas Hobbes, *Leviathan* [1651], ch. 13, p. 115.

PART ONE

International Relations as A State of Nature

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Morality, then, as the channel to individual self-fulfillment—yes. Morality as the foundation of civic virtue, and accordingly as a condition precedent to successful democracy—yes. Morality in governmental method, as a matter of conscience and preference on the part of our people—yes. But morality as a general criterion for the determination of the behavior of states and above all as a criterion for measuring and comparing the behavior of different states—no. Here other criteria, sadder, more limited, more practical, must be allowed to prevail.¹

¹ George F. Kennan, *Realities of American Foreign Policy*, p. 49.

THE state, like other institutions that can affect people's well-being and their rights, must satisfy certain moral requirements if we are to consider it legitimate. It is by these standards that we evaluate the state's claims on us and orient our efforts at political change. The normative component of political theory is the search for such standards and for the reasoning that forms their justification.

We do not often take the same attitude toward the complex structure of institutions and practices that lies beyond the state. This is in accord with the modern tradition of political theory, but it is worth asking if there are reasons of principle for following tradition in this respect. In this part, I consider whether it makes sense to look for general principles of international political theory that can supply reasons for and against particular choices in the same way that the principles of domestic political theory guide choices about alternative policies within the state. Is normative international political theory possible?

Any attempt to lay the groundwork for normative international political theory must face the fact that there is a substantial body of thought, often referred to as "political realism," that denies this possibility. Skepticism about international morality derives from a variety of sources, such as cultural relativism, apprehension about the effects of "moralism" on foreign policy, the view that rulers have an overriding obligation to follow the national interest, and the idea that there can be no moral principles of universal application in a world order of sovereign states. In the first section of this part, I argue that none of these arguments supports international moral skepticism, either because such arguments involve elementary confusions or fallacious assumptions, or because they are incomplete.

A more sophisticated argument for international skepticism is that certain structural features of an anarchical world order make international morality impossible. This argument (reconstructed in detail in section 2) characterizes international relations as a Hobbesian state of nature, that is, as an

order of independent agents, each pursuing its own interests, without any common power capable of enforcing rules of cooperation. The image of international relations as a state of nature has been influential both in the modern tradition of political theory and in contemporary thought about international affairs. Moreover, it yields a plausible argument for international skepticism and so deserves close attention.

The Hobbesian argument for international skepticism combines two premises, which I examine separately in sections 3 and 4. The first is the empirical claim that the international state of nature is a state of war, in which no state has an overriding interest in following moral rules that restrain the pursuit of more immediate interests. The second is the theoretical claim that moral principles must be justified by showing that following them promotes the long-range interests of each agent to whom they apply. I shall argue that each premise is wrong: the first because it involves an inaccurate perception of the structure and dynamics of contemporary international politics, and the second because it provides an incorrect account of the basis of moral principles and of the moral character of the state. Both premises are embodied in the image of international relations as a Hobbesian state of nature, and in both respects this image is misleading.

If my argument against the Hobbesian conception of international relations is correct, a main reason for skepticism about the possibility of international political theory will have been removed. In fact, I shall argue, one cannot maintain that moral judgments about international affairs are meaningless without embracing a more far-reaching skepticism about all morality—something, I assume, that few would be willing to do. However, a successful defense of the possibility of international political theory does not say much about the content of its principles. In section 5, I characterize the traditional alternative to Hobbesian skepticism (represented in the writings of various modern natural law theorists) as the morality of states and distinguish some of its basic substantive features, which are criticized in greater detail later in this book.

1. The Skepticism of the Realists

FOR many years, it has been impossible to make moral arguments about international relations to its American students without encountering the claim that moral judgments have no place in discussions of international affairs or foreign policy. This claim is one of the foundations of the so-called realist approach to international studies and foreign policy. On the surface, it is a most implausible view, especially in a culture conscious of itself as an attempt to realize a certain moral ideal in its domestic political life. All the more remarkable is the fact that the realists' skepticism about the possibility of international moral norms has attained the status of a professional orthodoxy in both academic and policy circles, accepted by people with strong moral commitments about other matters of public policy. Although the realists have often used arguments with deep roots in modern political theory, I believe that their skepticism can be shown to rest on fallacious reasoning and incorrect empirical assumptions.

To support this view, I shall argue that one cannot consistently maintain that there are moral restrictions on individual action but no such restrictions on the actions of states. I begin by considering the distinction (implied by this argument) between (generalized) moral skepticism and what I shall call international skepticism and show in more detail exactly what is involved in the assumption that moral skepticism is incorrect. It should be emphasized that this is indeed an assumption; I make no attempt to provide a general argument against moral skepticism.

One might be skeptical about the possibility of international morality because one is skeptical, in general, about the possibility of all kinds of morality. Perhaps one thinks that all or most people are incapable of being motivated by moral considerations, or that moral judgments are so subjective as to be useless in resolving conflicting claims and in fulfilling the other social functions usually assigned to morality. Whatever its rationale, moral skepticism, and its derivative, skepticism about political ethics, represent a refusal to accept moral ar-

guments as sources of reasons for action. Moral skepticism might take a variety of forms, including a denial that moral judgments can be true or false, a denial that moral judgments have meaning, or a denial that the truth of moral judgments provides a reason for acting on them.

Generalized moral and political skepticism might be countered to some extent by examining the arguments that support them. Probably these arguments would turn out to contain important confusions or deep inconsistencies. But one could not thereby demonstrate the possibility of social or political ethics; other arguments for skepticism could be advanced, and at some point in the attempt to counter them one would need to rely on substantive ethical or metaethical views to demonstrate the weaknesses of the skeptical arguments. This, however, would be to assume that skepticism is wrong, rather than to argue it. Generalized moral and political skepticism can only be shown to be wrong by exhibiting an acceptable theory of ethics and of its foundation, because one of the functions of such a theory is to explain the possibility of just those features of ethics that the skeptic claims not to understand. At a minimum, such a theory must distinguish morality from egoism and explain how it can be rational to act on reasons that are (or might be) inconsistent with considerations of prudence or self-interest. Indeed, the idea that considerations of advantage are distinct from those of morality, and that it might be rational to allow the latter to override the former, seems to be at the core of our intuitions about morality.²

In what follows I shall have to assume without discussion that some such theory can be provided. The leading controversies in metaethics are likely to linger for a long while, and progress in normative areas ought not to await a resolution of these other problems even though they are in some sense logically prior. Obviously, one would like to offer a sufficiently complete theory to meet objections on both fronts. But this seems beyond reach at present. Instead, I shall pro-

² For a further discussion, see Thomas Nagel, *The Possibility of Altruism*, pp. 125-42.

ceed on the assumption that we share some basic ideas about the nature and requirements of morality (which I refer to as moral intuitions) and see whether international skepticism is consistent with them.

One important source of international skepticism is cultural relativism. International lawyers and cultural anthropologists have documented wide disparities in the views of rationality and of the good prevalent in the world's cultures. These differences are reflected in the structures of various legal systems and in the attitudes customarily taken by different cultures toward social rules, collective ideals, and the value of individual autonomy.³ In some cultures, for example, autonomy is readily sacrificed to the requirements of collective goals. In general, given any consistent ranking of social goods or any plausible view of how such rankings might be morally justified, it is possible (and often likely) that a culture or society can be found in which there is dominant a divergent ranking of goods or view of moral justification. If this is the case, a skeptic might say, then there are no rational grounds for holding one social morality superior to another when their requirements conflict. Any doctrine that purports to be an international morality and that extends beyond the least common denominator of the various social moralities will be insecure in its foundations. But, typically, the least-common-denominator approach will leave most international conflicts unresolved because these have at their root conflicts over which principles are to apply to given situations or which goods should be sacrificed when several goods conflict. Since principles adequate to resolve such conflicts are fundamentally insecure, the skeptic claims, no normative international political theory is possible.⁴

³ For example, see F.S.C. Northrup, *The Meeting of East and West*, esp. ch. 10; and Adda B. Bozeman, *The Future of Law in a Multicultural World*, pp. ix-xvii, 14-33.

⁴ This construction might account for Kennan's non sequitur: "[L]et us not assume that our moral values . . . necessarily have viability for people everywhere. In particular, let us not assume that the *purposes* of states, as distinguished from their methods, are fit subjects for measurement in moral terms." *Realities of American Foreign Policy*, p. 47; emphasis in original.

This argument can be met on two levels, depending on the kind of intercultural disagreement to which it appeals. If the skeptical appeal is to disagreements over, say, the rankings of various social goods or their definitions, it may be that there is no challenge to the possibility of valid international principles but merely to the contents of particular ones. A consideration of views held in other cultures might persuade us that our assumptions ought to be altered in some ways to conform with conditions of which we had previously been insufficiently aware. This may be true of disagreements about the relative importance of individual autonomy and economic welfare. We are accustomed to defending individual rights in contexts of relative affluence, but considerations of economic development or of nonindustrial social structures might move us to recognize a dimension of relativity in these defenses. I do not mean to take a position on this issue at this point; I only mean to note one way in which cultural variations might be accommodated within an international political theory. In this case we would recognize a condition on the justification of principles of right that had previously gone unnoticed. Here, considerations of cultural diversity enter our thinking as data that may require revisions of particular principles; they do not undermine the possibility of normative theory itself.

But skeptics might say that what is at issue is something deeper; since different cultures might have radically different conceptions of what morality is, we have no right to be confident that our conception is correct. This carries the argument to a second level, but now it is difficult to say what the argument means. Perhaps it means that members of some other culture typically count as decisive certain kinds of reasons for action that we regard as utterly irrelevant from the point of view of our own morality. If so, we may ultimately have to say that the other culture's conception simply is not morality, or, at least, that claims founded on that conception do not count against our moral principles, even those that apply globally. It might seem that this attitude involves some sort of intellectual imperialism because it imposes a conception on cultures to which the conception is quite alien. But surely this is not correct. At some point, having learned what we can from the

views of others, we must be prepared to acknowledge that some conception of morality is the most reasonable one available under the circumstances, and go forward to see what principles result. Notice that this does not say that everyone must be able to acknowledge the reasonableness of the same assumptions; actual agreement of everyone concerned is too stringent a requirement to place on the justification of moral principles (just as it is on epistemological ones). Notice also that the problem of relativism is not limited to international ethics; intrasocietal conflicts might involve similar disagreements over fundamental ethical assumptions. In either case, it is enough, in establishing standards for conduct, that we be able to regard them as the most rational choices available for anyone appropriately situated and that we be prepared to defend this view with arguments addressed to anyone who disagrees. In this way we reach decisions that are as likely to be morally right as any that are in our power to reach. We can do no more than this in matters of moral choice.⁵

One need not embrace cultural relativism to maintain that moral judgments are inappropriate in international relations. Indeed, political realism more often starts from different premises. Some realists begin with the assertion that it is unrealistic to expect nations to behave morally in an anarchic world. For example, Hans Morgenthau, a leading realist, objects that "writers have put forward moral precepts which statesmen and diplomats ought to take to heart in order to make relations between nations more peaceful and less anarchical . . . ; but they have rarely asked themselves whether and to what extent such precepts, however desirable in themselves, actually determine the actions of men."⁶ While conceding the existence of some weak ethical restraints on international behavior, Morgenthau argues that international morality is largely a thing of the past and that competing national interests are now the main motives in world politics. This, he claims, is as it should be: "[T]he state has no right to let its moral disapprobation . . . get in the way of success-

⁵ There is a helpful discussion of some general issues of ethical relativism in Richard B. Brandt, *Ethical Theory*, pp. 271-84.

⁶ Hans J. Morgenthau, "The Twilight of International Morality," p. 79.

ful political action, itself inspired by the moral principle of national survival."⁷

How shall we understand this claim? One version is that we will fail to understand international behavior if we expect states to conform to moral standards appropriate to individuals. If we seek something like scientific knowledge of world politics—say, a body of lawlike generalizations with at least limited predictive power—we are unlikely to make much progress by deriving our hypotheses from moral rules appropriate to individual behavior.⁸ This seems fairly obvious, but perhaps Morgenthau's emphasis on it can be understood in the perspective of the "idealist" legal approaches to the study of international relations that he sought to discredit.⁹ In any event, this version of the claim does not imply that we ought not to make moral judgments about international behavior when thinking normatively rather than descriptively.

Another version of the claim, which is encountered more often, is this: we are likely to make mistaken foreign policy choices if we take an excessively "moralistic" attitude toward them.¹⁰ This might mean either of two things. Perhaps it means that a steadfast commitment to a moral principle that is inappropriate to some situation is likely to move us to make

⁷ Hans J. Morgenthau, *Politics Among Nations*, p. 10. There is an ambiguity here regarding the moral status of the national interest as an evaluative standard. One might call this view a form of moral skepticism, or one might say that it demonstrates that there is a moral warrant for following the national interest. I argue below that the former is the more appropriate interpretation. It should be noted, however, that some realist writers—probably including Aron and Morgenthau—have clearly thought that they were arguing the latter view instead. On this ambiguity, see Hedley Bull, "Society and Anarchy in International Relations," pp. 37-38.

⁸ On the other hand, we may be equally misled by the research hypotheses that follow from a variety of realist assumptions. There is a useful criticism of realism as a research orientation, rather than as a skeptical doctrine about international norms, in Robert O. Keohane and Joseph S. Nye, Jr., *Power and Interdependence*, ch. 2.

⁹ As Charles Frankel suggests in *Morality and U.S. Foreign Policy*, pp. 12-18. See also Kenneth W. Thompson, *Political Realism and the Crisis of World Politics*, pp. 32-38.

¹⁰ Hans J. Morgenthau, *In Defense of the National Interest*, pp. 37-38. Compare Dean Acheson, "Ethics in International Relations Today," p. 16.

immoral or imprudent decisions about it. Or it might mean that an idealistic or overzealous commitment even to an appropriate principle might cause us to overlook some salient facts and make bad decisions as a result. Each of these recommends reasonable circumspection in making moral judgments about international relations. But neither implies that it is wrong to make such judgments at all. What is being said is that the moral reasoning regarding some decision is flawed: either an inappropriate moral principle is being applied, or an appropriate principle is being incorrectly applied. It does not follow that it is wrong even to attempt to apply moral principles to international affairs, yet this conclusion must be proved to show that international skepticism is true. An argument is still needed to explain why it is wrong to make moral judgments about international behavior whereas it is not wrong to make them about domestic political behavior or about interpersonal behavior.

It is often thought that such an argument can be provided by appealing to the concept of the national interest. Thus, for example, Morgenthau seems to claim (in a passage already cited) that a state's pursuit of its own interests justifies disregard for moral standards that would otherwise constrain its actions.¹¹

Machiavelli argues in this way. He writes, for instance, "[I]t must be understood that a prince, and especially a new prince, cannot observe all those things which are considered good in men, being often obliged, in order to maintain the state, to act against faith, against charity, against humanity, and against religion."¹² Machiavelli does not simply represent the prince as amoral and self-aggrandizing. His claim is that violation by the prince of the moral rules usually thought appropriate for individuals is warranted when necessary "to maintain the state." The prince should "not deviate from what is good, if possible, but be able to do evil if constrained."¹³

¹¹ Morgenthau, *Politics Among Nations*, p. 10; see also his *In Defense of the National Interest*, pp. 33-39.

¹² Niccolò Machiavelli, *The Prince* [1532], XVIII, p. 65.

¹³ Ibid; see also *Discourses* [1531], I, ix, p. 139, and II, vi, pp. 298-99.

Now Machiavelli is not saying that rulers have license to behave as they please, nor is he claiming that their official actions are exempt from critical assessment. The issue is one of standards: what principles should be invoked to justify or criticize a prince's official actions? Machiavelli holds that princes are justified in breaking the moral rules that apply to ordinary citizens when they do so for reasons of state. Another statement of his view might be that rulers are subject to moral rules, but that the rules to which they are subject are not always, and perhaps not usually, the same as the rules to which ordinary citizens are bound. The private virtues—liberality, kindness, charity—are vices in the public realm because their observance is inconsistent with the promotion of the well-being of the state. The rule "preserve the state" is the first principle of the prince's morality, and it is of sufficient importance to override the requirements of other, possibly conflicting, rules which one might regard as constitutive of private morality.¹⁴

Is Machiavelli's position really a form of international skepticism? The view that a prince is justified in acting to promote the national interest amounts to the claim that an argument can be given that in so acting the prince is doing the (morally) right thing. But if this is true, one might say, then Machiavelli's view and its contemporary variants are not forms of international skepticism. They do not deny that moral judgments are appropriate in international relations; instead, they maintain that moral evaluations of a state's actions must be cast in terms of the relation between the state's actions and its own interests. The distinction between international skepticism and the Machiavellian view turns out to be like the distinction between general moral skepticism and ethical egoism. One pair of views denies the possibility of morality altogether,

¹⁴ Machiavelli, *Discourses*, III, xli, pp. 527-28. There is, of course, an extensive secondary literature devoted to the explication of Machiavelli's position. No doubt many would take issue with my reading of his view, but I cannot enter the debate here. On Machiavelli's notion of *virtù* and its relation to the national interest, see Sheldon S. Wolin, *Politics and Vision*, pp. 224-28 and 230-31.

while the other pair advances a substantive moral principle. However, in both cases, the distinction is without a difference. What is distinctively *moral* about a system of rules is the possibility that the rules might require people to act in ways that do not promote their individual self-interest. The ethical egoist denies this by asserting that the first principle of his "morality" is that one should always act to advance one's own interests. To call such a view a kind of morality is at least paradoxical, since, in accepting the view, one commits oneself to abandoning the defining feature of morality. Thus, it seems better to say, as does Frankena, that "prudentialism or living wholly by the principle of enlightened self-love just is not a kind of *morality*."¹⁵ Similarly, to say that the first principle of international morality is that states should promote their own interests denies the possibility that moral considerations might require a state to act otherwise. And this position is closer to international skepticism than to anything that could plausibly be called international morality.

If Machiavelli's view is, after all, a version of international skepticism, it does not follow that it is incorrect. Perhaps there *is* nothing that could plausibly be called international morality. At this point, we can only observe that the position as outlined provides no reason for drawing this conclusion. Why should we say that right conduct for officials of a state consists in action that promotes the state's interests? It is not obvious that the pursuit of self-interest by persons necessarily leads to morally right action, and it is no more obvious in the parallel case for officials of states. The argument involves a non sequitur. At a minimum, what is needed to vindicate the national interest view is an argument to show that following the national interest always does produce morally right action in international relations.

There is a tendency to resolve this problem by bringing in considerations regarding the responsibilities of political leaders to their constituents. Leaders should follow the national interest, it might be said, because that is their obligation as

¹⁵ W. K. Frankena, *Ethics*, p. 19; emphasis in original.

holders of the people's trust. To do otherwise would be irresponsible.¹⁶ Leaving aside the fantasy of describing some leaders as trustees, the difficulty with this approach is that it involves an assumption that the people have a right to have done for them anything that can be described as in the national interest. But this is just as much in need of proof as international skepticism itself. In domestic affairs, few would disagree that what people have a right to have done for them is limited by what they have a right to do for themselves. For example, if people have no right to enslave ten percent of their number, their leaders have no right to do so for them. Why should the international actions of national leaders be any different? It seems that what leaders may rightfully do for their people, internationally or domestically, is limited by what the people may rightfully do for themselves. But if this is true, then the responsibility of leaders to their constituents is not necessarily to follow the national interest wherever it leads, without regard to the moral considerations that would constrain groups of individuals in their mutual interactions. The appeal to the responsibilities of leaders does not show that it is always right for leaders to pursue the national interest.

Faced with the charge that the national interest as an ultimate standard is indifferent to larger moral values (e.g., the global interest or the welfare of the disadvantaged elsewhere), realists often expand the definition of the national interest to include these larger values. For example, Morgenthau claims at some points that the national interest of a power must be constrained by its own morality.¹⁷ Apparently he means that the calculations that enter into the identifica-

¹⁶ See, for example, Arthur Schlesinger, Jr., "The Necessary Amoralism of Foreign Affairs," pp. 72-73.

¹⁷ Morgenthau, *In Defense of the National Interest*, pp. 36-37; see also his letter to the editor of *International Affairs*. There is a similar claim in Thompson, *Political Realism*, p. 167. In the context of policy questions, Morgenthau is more straightforward. For example, in a discussion of U.S. policy toward Indochina, he writes that intervention is justified whenever it advances decision makers' best judgments of the national interest, notwithstanding the customary prohibition of interventionary diplomacy in international law and morality. "To Intervene or Not to Intervene," p. 430.

tion of the national interest should include the relevant moral considerations. This maneuver seems to allow him to maintain the skeptical thesis (i.e., that the rule "follow the national interest" is the first principle of international conduct) while avoiding the non sequitur noted above. But it is hard to believe that any serious skeptic would be satisfied with such a revised national interest view. What the skeptic wants to maintain is that the definition and pursuit of the national interest is not subject to any moral conditions. In other words, it would be inappropriate to criticize leaders on moral grounds for their choices of foreign policy goals and means. Now suppose that Morgenthau's revised view were accepted, but that a leader mistakenly failed to include in his calculations identifying the national interest the relevant moral considerations. Then, apparently, the leader's conception of the national interest could be criticized on moral grounds, a possibility that the skeptic wants to avoid. Morgenthau's claim that the national interest of a power must be constrained by its own morality seems to be an ad hoc concession to a position inconsistent with his own skepticism. A consistent skepticism about international ethics must maintain that there are no moral restrictions on a state's definition of its own interests, that is, that a state is always morally justified in acting to promote its perceived interests. The problem is to explain how this position can be maintained without endorsing a general skepticism about all morality.

In response to this challenge, the international skeptic might claim that certain peculiar features of the international order make moral judgments inappropriate. National sovereignty is often claimed to be such a feature. On this view, states are not subject to international moral requirements because they represent separate and discrete political orders with no common authority among them. Jean Bodin is sometimes interpreted as arguing in this way. He writes, for example, "[T]here are none on earth, after God, greater than sovereign princes, whom God establishes as His lieutenants to command the rest of mankind."¹⁸ The sovereign power is

¹⁸ Jean Bodin, *Six Books of the Commonwealth* [1576], I, x, p. 40.

exercised "simply and absolutely" and "cannot be subject to the commands of another, for it is he who makes law for the subject."¹⁹ Such a sovereign is bound by obligations to other sovereigns only if the obligations result from voluntary agreements made or endorsed by the sovereigns themselves.²⁰

Bodin tempers his view with the claim that even princes ought to follow natural reason and justice.²¹ He distinguishes between "true kings" and "despots" according to whether they follow the "laws of nature."²² While the discussion in which this distinction is drawn concerns what we might call internal sovereignty—roughly, a prince's legal authority over his own subjects—one might infer that a sovereign ruler's conduct with respect to other sovereignties might be appraised on the same standard. This would give moral judgment a foothold in international relations, but such appraisals, in Bodin's view, would lack one feature that seems essential to full-fledged moral judgment. This feature emerges when a comparison is made between international and internal sovereignty. While it is possible for sovereign rulers to break the natural law, this would not justify subjects opposing their rulers because there is no superior authority to which appeal can be made to decide the issue.²³ Analogously in the international case, one might argue (although Bodin is silent on this matter) that no prince can justify opposition to the policies of another prince on the grounds that the latter has violated natural law, because there is no common authority capable of resolving the moral conflict. Notice that this is not to say that no prince can ever justify opposition to the policies of others; it merely makes *moral* (i.e., natural law) justifications inappropriate.

My interest here is in the suggestion that the absence of a common judge provides a reason for skepticism about international morality. It is clear that on some (particularly positivist) views of jurisprudence, the absence of a common

¹⁹ Ibid., viii, pp. 27-28.

²¹ Ibid., pp. 33-34.

²³ Ibid., v, p. 67.

²⁰ Ibid., p. 29.

²² Ibid., II, iii, p. 59.

judge shows that there is no positive law.²⁴ But, even if we grant the positivists' claim that there is no genuine international *law*, it is difficult to see why the fact of competing national sovereignties should entail there being no sense at all in *moral* evaluation of international action. We do not make such stringent demands on domestic affairs; there are many areas of interpersonal and social relations that are not subject to legal regulation but about which we feel that moral evaluation would be meaningful. Furthermore, in principle, it does not seem that the idea of a common judge plays a role in morality analogous to its role in law. Even if we do assume that there is a correct answer to every moral question, we do not assume that there is a special office or authority responsible for providing the answer.²⁵

This is not enough to establish the possibility of international morality, however, for someone might say that it is not simply sovereignty, but certain special features of an order of sovereign states, that makes international morality impossible. A similar recourse is available to proponents of the view that the perceived national interest is the supreme value in international politics. In comparing international relations to the state of nature, Hobbes produced such an argument. Because it is the strongest argument available for skepticism about international normative principles, I shall consider it at length in the following sections.

2. The Hobbesian Situation

THE most powerful argument that has been given for international skepticism pictures international relations as a state of nature. For example, Raymond Aron writes: "Since states have not renounced taking the law into their own hands and remaining sole judges of what their honor requires, the

²⁴ For this argument applied to international law, see John Austin, *The Province of Jurisprudence Determined* [1832], lecture 6, pp. 193-94, 200-1.

²⁵ Compare Henry Sidgwick, *The Elements of Politics* [1891], XV, sec. 1, pp. 238-41.

survival of political units depends, in the final analysis, on the balance of forces, and it is the duty of statesmen to be concerned, *first of all*, with the nation whose destiny is entrusted to them. The necessity of national egoism derives logically from what philosophers called the *state of nature* which rules among states."²⁶ The necessity (or "duty") to follow the national interest is dictated by a rational appreciation of the fact that other states will do the same, using force when necessary, in a manner unrestrained by a consideration of the interests of other actors or of the international community.

The idea that international relations is a state of nature is common in modern political theory, particularly in the writings of modern natural law theorists.²⁷ It makes a difference, as we shall see, which version of this idea one adopts as the basis for understanding the role of morality in international affairs. Since most contemporary writers (like Aron)²⁸ follow Hobbes's account, we shall begin there.

According to Hobbes, the state of nature is defined by the absence of a political authority sufficiently powerful to assure people security and the means to live a felicitous life. Hobbes holds that there can be no effective moral principles in the state of nature. I use "effective" to describe principles with which agents have an obligation to conform their actions; effective principles oblige, in Hobbes's phrase, "*inforo externo*" and are not merely principles that should regulate a preferred world but do not apply directly to the actual world. Principles of the latter sort oblige "*inforo interno*" and require us only to "desire, and endeavor" that the world were such that conformity with them would have a rational justification.²⁹

In Hobbes's view, one has reason to do something (like adhere to moral norms) if doing the thing is likely to promote

²⁶ Raymond Aron, *Peace and War*, p. 580; emphasis in original.

²⁷ See the references in Otto von Gierke, *Natural Law and the Theory of Society*, vol. 2, p. 288, note 1.

²⁸ Aron, *Peace and War*, p. 72.

²⁹ Thomas Hobbes, *Leviathan* [1651], ch. 15, p. 145; compare Hobbes, *Philosophical Rudiments concerning Government and Society* [*De Cive*] [1651], III, sec. 33, pp. 49-50.

one's interests, in particular, one's overriding interests in avoiding death and securing a felicitous life. Morality is a system of rules that promote each person's overriding interests, and hence to which each person has reason to adhere, only when everyone (or almost everyone) complies with them. In other words, a condition of the rationality of acting on moral rules is that one have adequate assurance of the compliance of others.³⁰ Hobbes thinks that adequate assurance of reciprocal compliance with moral rules can only be provided by a government with power to reward compliance and punish noncompliance. Where there is no such assurance—as in the state of nature, where there is no government—there is no reason to comply. Instead, there is a very good reason not to comply, namely, one's own survival, which would be threatened if, for example, one abstained from harming others while they did not observe the same restraint.

Hobbes gives two accounts of why the state of nature is sufficiently dangerous to render compliance with moral restrictions unreasonable. In the earlier works (*Human Nature* and *De Cive*) he relies heavily on the psychological assumption that people will be moved by the love of glory to contend with others for preeminence.³¹ In *Leviathan*, he develops another account which relies less on substantive psychological assumptions and more on uncertainty. Here the claim is that some (perhaps only a few) people in the state of nature will be seekers after glory, but that prudent persons aware of this fact would become "diffident," distrustful, and competitive, always ready to protect themselves by all means available.³² On both accounts the outcome is the state of war, "a tract of time, wherein the will to contend by battle is sufficiently known."³³ In such an unstable situation it would be irrational to restrict one's behavior according to moral rules, "for that were to expose himself to prey, which no man is bound to."³⁴ Thus,

³⁰ Hobbes, *Leviathan*, ch. 11, p. 85, and ch. 14, pp. 116-17.

³¹ Hobbes, *Human Nature* [1650], ch. 9, pp. 40-41; *De Cive*, ch. 1, pp. 6-7.

³² Hobbes, *Leviathan*, ch. 13, p. 111. This account also appears in the earlier works, although with less emphasis. See *De Cive*, Preface, pp. xiv-xv, and ch. 1, p. 6.

³³ Hobbes, *Leviathan*, ch. 13, p. 113.

³⁴ *Ibid.*, ch. 14, p. 118.

Hobbes concludes, in the state of nature "nothing can be unjust. The notions of right and wrong, justice and injustice have there no place."³⁵

Some commentators have thought this conclusion too hasty. For, they point out, Hobbes allows that covenants may be made in the state of nature, and that some such covenants give rise to binding obligations to perform even when performance cannot be shown to be in the interest of the agent. In particular, Hobbes says that covenants are binding on a person not only "where there is a power to make him perform," but also "where one of the parties has performed already."³⁶ Since Hobbes's definition of justice is the performance of covenants, it seems that he is committed to the view that justice *does* have a place in the state of nature, at least in cases involving covenants "where one of the parties has performed already." This position receives additional textual support from Hobbes's discussion of the ransomed soldier, in which he claims that such a soldier, having been released on promise of subsequent payment of a ransom, thereby incurs an obligation to make good on the promise even though there may be no common power to enforce it.³⁷

These passages have led some to think that Hobbes does not hold what might be called a prudential theory of obligation, for he seems to say that there are cases in which one has an obligation to perform as one has agreed even though supporting reasons of self-interest are absent.³⁸ This is a difficult position to maintain since it is in direct conflict with other portions of Hobbes's text. For example, he claims, without qualification, that "covenants without the sword, are but words, and of no strength to secure a man at all."³⁹ Furthermore, Hobbes's own justification of the claim about covenants where one of the parties has performed already rests on clearly prudential arguments.⁴⁰ While I cannot argue this issue at length, I believe that these textual considerations, taken together with Hobbes's psychological egoism, support the view that his

³⁵ Ibid., ch. 13, p. 115.

³⁶ Ibid., ch. 15, p. 133.

³⁷ Ibid., ch. 14, pp. 126-27.

³⁸ See, for example, Brian Barry, "Warrender and his Critics."

³⁹ Hobbes, *Leviathan*, ch. 17, p. 153.

⁴⁰ Ibid., ch. 15, pp. 133-34.

theory of obligation is purely prudential; people have no obligation to perform actions when performance cannot be shown to advance their (long-range) self-interests.⁴¹

To say that persons situated in the state of nature have no obligation to follow moral principles is not to say that there are no such principles. Indeed, Hobbes proposes nineteen "laws of nature" as the constitutive principles of "the true moral philosophy."⁴² These principles are such that it is in the interests of each person that everyone abide by them. Hobbes argues that life in a society effectively regulated by the laws of nature would be infinitely preferable to life in the state of nature, since, in the state of nature, where no one has an obligation to restrict his actions according to moral principles, "the life of man" is "solitary, poor, nasty, brutish, and short."⁴³ The problem posed by Hobbes's theory is how to create conditions in which the laws of nature would be effective, that is, would oblige "*in foro externo*." Hobbes thinks that a common power is needed to assure each person that everyone else will follow the laws of nature. The dilemma is that creating a common power seems to require cooperation in the state of nature, but cooperation, on Hobbes's account, would be irrational there. (Who could rationally justify taking the first step?) There appears to be no exit from the state of nature despite the fact that any rational person in that state could recognize the desirability of establishing a common power and bringing the state of nature to a close. Thus, while there are moral principles or laws of nature in the state of nature, they do not bind to action in the absence of a common power.

International skeptics have seized on this feature of Hobbes's theory to support the view that there are no effective moral obligations in international relations. This conclusion follows from the analogy that Hobbes himself draws between international relations and the state of nature: "But though there had never been any time, wherein particular men were in a condition of war one against another; yet in all times, kings, and persons of sovereign authority, because of

⁴¹ For helpful discussions, see David P. Gauthier, *The Logic of Leviathan*, pp. 57-62; and J.W.N. Watkins, *Hobbes's System of Ideas*, pp. 55-64.

⁴² *Hobbes, Leviathan*, ch. 15, p. 146.

⁴³ *Ibid.*, ch. 13, p. 113.

their independency, are in continual jealousies, and in the state and posture of gladiators; having their weapons pointing, and their eyes fixed on one another; that is, their forts, garrisons, and guns upon the frontiers of their kingdoms; and continual spies upon their neighbors; which is a posture of war."⁴⁴ In such a situation, each state is at liberty to seek its own interest unrestrained by any higher moral requirements: "[I]n states, and commonwealths not dependent on one another, every commonwealth, not every man, has an absolute liberty, to do what it shall judge, that is to say, what that man, or assembly that representeth it, shall judge most conducing to their benefit."⁴⁵ Supposing that moral rules cannot require a man (or a nation) to do that which he (or it) has no reason to do, the argument holds that it is irrational to adhere to moral rules in the absence of a reliable expectation that others will do the same.

This seems to be the strongest argument that the skeptic can advance, because it is based on the plausible intuition that conformity to moral rules must be reasonable from the point of view of the agent in order to represent a binding requirement. When the agents are persons, the force of this intuition can be questioned on the ground that other things than self-interest can come into the definition of rationality. A successful counterargument of this kind results in the view that some sacrifices of self-interest might be rational when necessary to achieve other goods. But this kind of counterargument is not as obviously available when the agents are states, since it can be argued that, as a matter of fact, there is far less assurance that states would sacrifice their perceived interests to achieve other goals.⁴⁶ Thus, even if Hobbesian skepticism about indi-

⁴⁴ Ibid., p. 115. See also *De Cive*, Preface, p. xv; and *De Corpore Politico* [1650], II, ch. 10, p. 228.

⁴⁵ Hobbes, *Leviathan*, ch. 21, p. 201. Compare ch. 30, p. 342: "[E]very sovereign hath the same right, in procuring the safety of his people, that any particular man can have, in procuring the safety of his own body. And the same law, that dictateth to men that have no civil government, what they ought to do, and what to avoid in regard of one another, dictateth the same to commonwealths."

⁴⁶ Compare Edward Hallett Carr, *The Twenty Years' Crisis, 1919-1939*, pp. 166-69.

vidual ethics in the absence of government is rejected, it might still move us to deny the possibility of effective regulative principles for the conduct of nations.⁴⁷

It is important to be clear about the conclusion to which the skeptic is committed by this argument. The conclusion follows from applying Hobbes's theory of obligation to international relations. Accordingly, we might reformulate the conclusion as the claim that the officials of states have no obligation to conform their official actions in international affairs to moral principles. Such principles are not effective when there are no reliable expectations of reciprocal compliance. However, this is not to say that it would not be desirable for all states (or their officials) to conform their actions to certain principles, or that some such principles, analogous to Hobbes's law of nature, cannot be formulated. It is only to say, to repeat Hobbes's phrase, that whatever international principles exist apply "*in foro interno*" but not "*in foro externo*."

As I have said, the moral problem posed by Hobbes's theory is how to create conditions in which the laws of nature would be effective. Characterizing international relations as a state of nature poses a similar moral problem. If international relations is a state of nature, it follows that no state has an obligation to comply with regulative principles analogous to the laws of nature. But it also follows that widespread compliance with such principles would be desirable from the point of view of each state.⁴⁸ Carrying through the analogy with the

⁴⁷ This seems to have been Rousseau's view. See "L'état de guerre" [1896; written 1753-1755?], pp. 297-99. Perhaps this explains the hesitation about questions of international political theory expressed in *The Social Contract*. See *Du contrat social* [1762], III, xvi, p. 98, note 2, and IV, ix, p. 134.

⁴⁸ Apparently Hobbes recognized that this would follow from his own characterization of international relations as a state of nature, but he did not argue for an international Leviathan. Perhaps the reason is his view that, since states in a posture of war "uphold thereby, the industry of their subjects; there does not follow from it, that misery, which accompanies the liberty of particular men." (*Leviathan*, ch. 13, p. 115.) To say the least, it is not obvious that this claim is empirically accurate. Furthermore, even if it is correct, it would not follow that international agreement on regulative principles for nations is not desirable, but only that such agreement is less urgent than the analogous agreement to institute civil government.

state of nature therefore raises two further questions: what is the content of the principles it would be desirable for every state to accept? How can conditions be brought about such that it would be in the interests of each state to comply with these principles?

That such questions arise as a consequence of the characterization of international relations as a state of nature may suggest that the skeptics are inconsistent in invoking this characterization to support their view. For the first question presupposes that it would be desirable that conditions be created in which states would have reason to comply with certain normative principles, and the second question at least suggests that it is possible to create such conditions. From this one might argue that states have an obligation to do what they can to establish the requisite conditions, at least when they can do so without unacceptable risk. If this is true, then international skepticism is false, since it would not be the case that states are not subject to any moral requirements.

Hobbes does not posit an *effective* obligation to escape the interpersonal state of nature because the actions necessary to escape from it are inconsistent with the actions required for self-preservation within it. To defend international skepticism against the difficulty noted above, one would have to argue that international relations, like the state of nature, involves conditions such that the actions needed to establish an effective international morality are inconsistent with the actions required for the preservation of states. In that case it would follow that states are not subject to any binding moral requirements. And, while it would still be the case that conformity with appropriate international normative principles would be desirable, it would be academic to inquire about their content since there would be no way of rendering them effective.

3. International Relations as a State of Nature

THE application of Hobbes's conception of the state of nature to international relations serves two different functions in the argument for international skepticism. First, it provides an analytical model that explains war as the result of structural properties of international relations.⁴⁹ It produces the conclusion that conflict among international actors will issue in a state of war ("a tract of time, wherein the will to contend by battle is sufficiently known") in the absence of a superior power capable of enforcing regulative rules. Second, the state of nature provides a model of the concept of moral justification that explains how normative principles for international relations should be justified. This explanation holds that since the basis of a state's compliance with moral rules is its rational self-interest, the justification of such rules must appeal to those interests states hold in common.

These two uses of the idea of an international state of nature are distinct because one leads to predictions about state behavior whereas the other leads to prescriptions. While the two uses are related in the sense that the predictions that result from the first use are taken as premises for the second, they should be separated for purposes of evaluation and criticism. In the first case, we need to ask whether the Hobbesian description of international relations is empirically acceptable: do the facts warrant application of this predictive model to international behavior? Our question in the second case is different: does Hobbes's state of nature give a correct account of the justification of moral principles for the international realm?

Let us look first at the predictive use of Hobbes's international state of nature. The description of international rela-

⁴⁹ In this sense, Hobbes uses the state of nature to give what Kenneth Waltz has called a "third image" account of the causes of war—that is, an account based on the image of international anarchy. See *Man, the State, and War*, pp. 159-86, in which Waltz concentrates on the third-image explanations given by Spinoza and Rousseau.

tions as a state of nature leads to the conclusion that a state of war will obtain among international actors in the absence of a superior power capable of enforcing regulative rules against any possible violator. As I have suggested, this conclusion is required as one premise in the argument for international skepticism, for, on a Hobbesian view, the reason that no actor has an obligation to follow rules of cooperation is the lack of assurance that other actors will do the same. Indeed, each actor has a reason not to follow such rules, since, in a state of war, an actor might rationally expect to be taken advantage of by other actors in the system if it were unilaterally to follow cooperative rules. Even if we accept Hobbes's conception of morality, for international skepticism to be a convincing position it must be the case that international relations is analogous to the state of nature in the respects relevant to the prediction that a state of nature regularly issues in a state of war.

For this analogy to be acceptable, at least four propositions must be true:

1. The actors in international relations are states.
2. States have relatively equal power (the weakest can defeat the strongest).
3. States are independent of each other in the sense that they can order their internal (i.e., nonsecurity) affairs independently of the internal policies of other actors.
4. There are no reliable expectations of reciprocal compliance by the actors with rules of cooperation in the absence of a superior power capable of enforcing these rules.

If these conditions are not met by international relations, then the analogy between international relations and the state of nature does not hold, and the prediction that international relations is a state of war does not necessarily follow.

I shall argue that contemporary international relations does not meet any of these conditions. Let us begin with the first. It establishes the analogy between the state of nature and international relations by identifying states as the actors in international relations just as individuals are the actors in

the interpersonal state of nature. This may seem so obvious as not to deserve mention, but it is very important for the skeptic's argument that this condition actually obtain. The radical individualism of Hobbes's state of nature helps to make plausible the prediction of a resulting state of war because it denies the existence of any other actors (secondary associations, functional groups, economic institutions, or extended families, to name a few examples) that might mediate interpersonal conflict, coordinate individuals' actions, insulate individuals from the competition of others, share risks, or encourage the formation of less competitive attitudes. The view that states are the only actors in international relations denies the possibility of analogous international conflict-minimizing coalitions, alliances, and secondary associations. Since it is obviously true that such coalitions have existed at various times in the history of international relations, one might say flatly that international relations does not resemble the state of nature in this important respect.⁵⁰

The difficulty with this claim is that Hobbes himself allows for the possibility of coalitions and alliances in the interpersonal state of nature.⁵¹ However, he argues that these would not be stable. They would, if anything, increase the chances of violence among coalitions, and the shared interests that would lead to their formation would not be long lasting.⁵²

One might make similar claims to defend the analogy of international relations and the state of nature, but it is not obvious that the claims would be empirically correct. Some alliances appear to confirm Hobbes's hypothesis that forming alliances increases the chances of war, despite the fact that alliances are often viewed as mechanisms for stabilizing a balance of power and making credible the threat to retaliate on attack.⁵³ On the other hand, several types of coalitions have produced opposite results. For example, regional political and economic organizations appear to have played significant

⁵⁰ Oran Young, "The Actors in World Politics."

⁵¹ Hobbes, *Leviathan*, ch. 17, pp. 154-55.

⁵² Ibid.

⁵³ See, for example, J. David Singer and Melvin Small, "Alliance Aggregation and the Onset of War, 1815-1914."

roles in the nonviolent resolution of international conflicts. They have also made it easier for national leaders to perceive their common interests in peace and stability.⁵⁴ The same seems true, although in a more limited range of circumstances, of global international organizations like the United Nations.⁵⁵ To Hobbes's view that coalitions (and, by extension, universal organizations short of world government) are unlikely to be long lasting, it can only be replied that the important question is how long any particular conflict-minimizing coalition is likely to endure. Clearly, one should not expect such coalitions to persist forever, but it is historically demonstrable that some coalitions have enjoyed life spans sufficiently long to defeat the claim that they have made no significant contribution to peace and cooperation.

The view that states are the only actors in international relations also denies the possibility that transnational associations of persons might have common interests that would motivate them to exert pressures for cooperation on their respective national governments. The view does so by obscuring the fact that states, unlike persons, are aggregations of units (persons and secondary associations) that are capable of independent political action. These units might be grouped according to other criteria than citizenship, for example, according to interests that transcend national boundaries. When such interests exist, one would expect that transnational interest groups or their functional equivalents might exert pressures on their respective governments to favor policies that advance the groups' shared interests.

Since the second world war, the number, variety, membership, and importance of transnational groups have all increased, in some cases dramatically.⁵⁶ Early academic attention to transnational interests focused on groups of specialists

⁵⁴ Joseph S. Nye, Jr., *Peace in Parts*, chs. 4-5.

⁵⁵ Ernst B. Haas, Robert L. Butterworth, and Joseph S. Nye, Jr., *Conflict Management by International Organizations*, esp. pp. 56-61.

⁵⁶ The most useful survey of the growth of transnationalism is provided by the essays in Robert O. Keohane and Joseph S. Nye, Jr., eds., *Transnational Relations and World Politics*.

(economists, labor leaders) and on functionally specific transnational organizations (the World Meteorological Organization, European Coal and Steel Community) and hypothesized that successful collaboration with respect to some functions would promote by a process of social learning collaboration with respect to other functions. The resulting progressive enlargement of areas of transnational collaboration was expected to undermine international political conflict by making clear to domestic constituencies and decision makers the extent of transnationally shared interests.⁵⁷ Subsequent experience has failed to corroborate the early functionalists' hypothesis for all cases of functional collaboration, but there are particular cases in which the hypothesized social-learning process has taken root.⁵⁸

Although the central hypothesis of the theory of functional integration has been discredited, the insight that transnational interest groups might alter the outcomes of international politics by exerting pressures on national government policy making has not. In fact, the effectiveness of such groups in promoting their interests at the national level has been illustrated in several quite different areas. Two important examples of politically effective transnational groups are multinational corporations and informal, transnational groups of middle-level government bureaucrats. In each case, although to very different extents, it is clear that transnationally shared interests have sometimes led to substantial pressures on government foreign policy decisions.⁵⁹ As the difficulties of integration theory suggest, it should not be inferred that the effect of rapidly increasing transnational po-

⁵⁷ The most influential early statement of this view is David Mitrany, *A Working Peace System*. There is a revised formulation in Ernst B. Haas, *Beyond the Nation-State*, part 1. For a review of the more recent literature, see Michael Haas, "International Integration."

⁵⁸ See James Patrick Sewell, *Functionalism and World Politics*, parts 1 and 3; and Ernst B. Haas, "The Study of Regional Integration."

⁵⁹ See, on multinational corporations, Joseph S. Nye, Jr., "Multinational Corporations in World Politics," pp. 155-59, and the references cited there; and, on interbureaucracy contacts, Robert O. Keohane and Joseph S. Nye, Jr., "Transgovernmental Relations and International Organizations."

litical activity is necessarily to minimize the chances of international conflict or to promote international cooperation, because a variety of other factors is involved.⁶⁰ In particular, transnational political activity is unlikely to promote international cooperation in the absence of perceptions by national decision makers of significant shared interests that would justify such cooperation.⁶¹ The theoretical importance of the rise of transnational politics lies elsewhere. It lies in the fact that nation-states can no longer be regarded as the only, or as the ultimate, actors in international relations, since their actions may be influenced significantly by pressures from groups that represent transnational interests. Depending on the strength and extent of these interests, this new element of complexity in international relations renders problematic the Hobbesian explanation of why international relations should be regarded as a state of war.

The second condition is that the units that make up the state of nature must be of relatively equal power in the sense that the weakest can defeat the strongest.⁶² The assumption of equal power is most obviously necessary for Hobbes's claim that the state of nature is a state of war because it eliminates the possibility of dictatorship (or empire) arising in the state of nature as a result of the preponderant power of any one actor or coalition. This assumption might seem unnecessarily strong, since the possibility of dictatorship within the state of nature might be ruled out with the weaker assumption that no actor is strong enough to dominate the rest. However, there is another reason for assuming equal power, and in this case nondominance will not do. The further reason is to rule out as irrationally risky, actions by any actor designed to promote the development of conditions in which moral behavior (i.e., behavior according to the laws of nature) would have a rational justification. In other words, Hobbes defines the state

⁶⁰ Donald P. Warwick, "Transnational Participation and International Peace," pp. 321-24.

⁶¹ As John Gerard Ruggie suggests. "Collective Goods and Future International Collaboration," p. 878.

⁶² Hobbes, *Leviathan*, ch. 13, p. 110.

of nature so that both conformity to the laws of nature and action to escape the state of nature are equally irrational. The stronger assumption of equal power secures both conclusions, whereas, on the weaker assumption of nondominance, it could be argued that the relatively stronger actors may have obligations to work for changes in those background conditions that make moral behavior irrational for all. This would be because some such actions might be undertaken without undue risk to the relatively stronger actors.

Now our question is whether it is appropriate to make the relatively stronger assumption of equal power about contemporary international relations. It seems clear that this condition is not met; there are vast disparities in relative levels of national power.⁶³ David Gauthier has argued that the development and proliferation of nuclear weapons render these inequalities less severe and make international relations more like a Hobbesian state of nature than it had been previously.⁶⁴ But this is too simple. While the possession of nuclear weapons may increase the relative power of some states not usually considered major powers, it is not true that all or most states are developing or will develop operational nuclear arsenals. The likely result of proliferation is not a world of nuclear powers but a world divided between an expanded number of nuclear powers and a large number of states that continue to lack nuclear weapons. Gauthier suggests that it is not equal nuclear capacity but equal vulnerability to nuclear attack that secures the analogy of nuclear politics and the state of nature.⁶⁵ But this shift does not help, since states are highly unequal in this sense as well, as a result of their varying levels of retaliatory capabilities (and hence of deterrent strengths) and of nuclear defenses.⁶⁶ Also, as long as the

⁶³ It has been suggested that this is one reason Hobbes thought that the inconveniences of the international state of nature would not lead to an international Leviathan. States of unequal power and vulnerability can "secure their ends by treaties and alliances, rather than by a resignation of their sovereignty." Howard Warrender, *The Political Philosophy of Hobbes*, p. 119.

⁶⁴ Gauthier, *The Logic of Leviathan*, pp. 207-8.

⁶⁵ *Ibid.*, p. 207.

⁶⁶ There is a detailed discussion of these issues in Albert Legault and George Lindsey, *The Dynamics of the Nuclear Balance*, esp. chs. 3-5.

deterrence system works, conventional-force imbalances—which are often substantial—will continue to differentiate strong states from weak ones. If this is true, then the most that can be claimed about relative levels of national power is that no state can dominate all the others. As we have seen, this alone may be enough to show that compliance with moral rules is irrational for any state, but it is not enough to show that some states (the strong ones) do not have obligations to try to change the rules of the international game so as to render compliance with moral rules more rational. As we shall see, even the relatively weaker assumption is thrown into question by some further characteristics of power in contemporary international relations.

The third condition is that the units be able to order their internal (i.e., nonsecurity) affairs independently of the internal policies of the other units. (As economists would say, the units must have independent utility functions once corrected for security considerations.)⁶⁷ If the units in the state of nature were interdependent in the way suggested, then the pursuit of self-interest by any one unit might require cooperation with other units in the system. The relations among parties in the state of nature would then resemble a game of mixed interests rather than a zero-sum game. Thus, if the units were interdependent, Hobbes's assumption that the pursuit of self-interest by the parties in the state of nature will usually lead to violent conflict would be undermined.

Again, it seems unlikely that this condition applies to international relations. It is increasingly true that the security and prosperity of any one state depends to a greater or lesser extent on that of some or all other states. In terms of security, this is reflected in the recognition that the great powers have a shared interest in avoiding a nuclear confrontation, and this justifies a measure of trust and predictability in their relations

⁶⁷ Hobbes, *Leviathan*, ch. 13, pp. 112-13. Actually, Hobbes's assumption may be stronger than this. When men quarrel for reasons of honor and glory, one might say that their utility functions are inversely related and hence (negatively) interdependent. But the argument only requires the condition of independence given above.

with one another.⁶⁸ The interdependence of state interests has recently been illustrated in the broad area of economic and welfare concerns as well. Here it has been argued that the success of states in meeting domestic economic goals (e.g., full employment, control of inflation, balanced economic growth) requires substantially higher levels of cooperation among governments than has been the case in the past.⁶⁹

Such interdependencies explain the rise of international institutions and practices that organize interstate rivalries in ways that require cooperation if the practices are to be maintained and conflicts resolved by nonviolent means. In the economic area, these include the organizational and consultative practices of the International Monetary Fund and its rules governing adjustment of currency exchange rates, and the related rules of trade formulated in the General Agreement on Tariffs and Trade. Taken together, these institutions can be seen as the constitutional structure of international finance and trade; their role is fundamental in promoting or retarding the growth of trade, the flow of investment, and the international transmission of inflation and unemployment.⁷⁰

There is no doubt that such practices and institutions (or "regimes," as they are sometimes called)⁷¹ have come to occupy a far more important place in international relations than previously as a result of the increasing volume and significance of transnational transactions. They are noticeable primarily in economic relations, but they are also significant in other areas (for example, regulation of the oceans and of the atmosphere, control of resource use, coordination of

⁶⁸ This conclusion emerges most clearly from the debate over the application of game theoretic models of conflict and cooperation to nuclear strategy. See, for example, Anatol Rapoport, *Strategy and Conscience*, part 2. There is a thorough review of this literature in John R. Raser, "International Deterrence."

⁶⁹ Edward L. Morse, "The Transformation of Foreign Policies." For a helpful discussion of the recent debate about the extent and kinds of interdependence, see Richard Rosecrance, "Interdependence: Myth or Reality."

⁷⁰ Richard N. Cooper, "Prolegomena to the Choice of an International Monetary System."

⁷¹ By Keohane and Nye, for example. *Power and Interdependence*, p. 19.

health policies).⁷² As a result, the character of power in international relations has been transformed.⁷³

Power might be defined, very roughly, as an actor's capacity to cause other actors to act (or not to act) in ways in which they would not have acted (or would have acted) otherwise. The use or threat of violence is a paradigmatic instrument of power because there are very few situations in which we can imagine violence or its threat not causing others to act. But there is nothing about power that limits its instruments to the instruments of violence. Threats of something other than violence, as well as positive inducements, might count as forms of power in appropriate circumstances. The instruments of power available to an actor are partly determined by the kinds of relationships in which the actor stands with respect to the other actors it wishes to influence. In particular, common membership in institutions or common participation in practices often constitutes nonviolent forms of power. Thus, for example, members of organizations like the United Nations can bargain their votes for desired actions by other global actors. Or, traders in some commodity (say, oil) can withhold the commodity from the market to cause others to change their behavior in prescribed ways.

It is difficult to say how the rise of these new forms of international power will affect prospects for recourse to older forms. One might expect the international role of violence or its threat to vary inversely with the density of international institutions and practices that serve important interests. Common institutions and practices of the kind described require stable environmental conditions for their operation and a measure of consensual support, at least from their more significant members. It is likely (though not necessary) that all or most participants would share an interest in minimizing the

⁷² The literature is large; see, for example, Richard N. Cooper, "Economic Interdependence and Foreign Policy in the Seventies"; Edward L. Morse, "Transnational Economic Processes"; and Alex Inkeles, "The Emerging Social Structure of the World."

⁷³ Seyom Brown, *New Forces in World Politics*, pp. 112-17 and 186-90; and Stanley Hoffmann, "Notes on the Elusiveness of Modern Power."

chances that continued functioning of their institutions and practices will be undermined by outbreaks of violence.⁷⁴

On the other hand, while agreeing that new forms of power have arisen as a result of the development of new actors and relationships in international politics, one might think that this is, in fact, a reason to expect the use or threat of violence to become more rather than less common.⁷⁵ Perhaps the rise of new forms of power simply reflects the fact that states demand more from international relations now than in the past. A common example is that now, unlike, say, the eighteenth century, states are widely committed to maintaining high levels of domestic employment. Success in this commitment often depends on other international actors following particular kinds of policies. Since more is at stake in international relations now than previously, one might conclude, states have more reasons rather than fewer for using violence or its threat to protect and advance their interests.

This position, while not entirely incorrect, seems to overstate the case. First, as I have pointed out, the international mechanisms that states rely on to pursue various domestic (especially economic) goals often require stable environmental conditions and broad consensual support. Both of these might be upset if a state resorted to violence to pursue its goals. Violence, in other words, might be self-defeating in such circumstances. Furthermore, the view assumes that various forms of power in international relations are interchangeable; for example, if one cannot obtain an objective with a nonviolent form of power (say, one's influence in the decision-making structure of international finance institutions), one can still obtain it with superior military power. But it is not clear that forms of international power are so interchangeable, especially in view of the increasing diversity of

⁷⁴ This appears to be Kant's view in the First Supplement to *Perpetual Peace* [1795], p. 114.

⁷⁵ This view derives from Rousseau. *Discours sur l'inégalité* [1755], pp. 203-6. See also Stanley Hoffmann, "Rousseau on War and Peace," *The State of War*, pp. 62-63. But see Hoffmann's more recent remarks in "Notes on the Elusiveness of Modern Power," pp. 191-95 and 205-6.

objectives that states and other actors seek in international relations. The use of military power may not only be self-defeating, but its costs may be too great, or it may simply be irrelevant to the objective being pursued.⁷⁶

The fourth condition is that there be no reliable expectations of reciprocal compliance in the absence of an authority capable of enforcing moral rules.⁷⁷ Hobbes is guilty here of formulating an overly restrictive condition. It has been pointed out that the reliability of the expectations involved is more properly understood as a function of the degree to which there is a settled habit of obedience to moral rules in the society.⁷⁸ A common power might effectively raise the level of obedience or it might not; what matters to the state-of-nature argument is that the appropriate expectations are lacking. But this does not fundamentally damage the Hobbesian position. One need only redefine the state of nature as a situation in which there are neither settled habits of obedience to moral rules nor well-established moral conventions.

This modification of Hobbes's position should be applied in the comparison with international relations as well. However, even some (like Kurt Baier) who have proposed the modification have failed to apply it to the international case. According to Baier's reconstruction of Hobbes's argument, "the doctrine of the sovereignty of nations and the absence of an effective international law and police force are a guarantee that nations live in a state of nature, without commonly accepted rules that are somehow enforced."⁷⁹ But this empirical claim hardly stands up against evidence of actual international behavior. Although there is no international police force, the international community possesses a variety of devices for promoting compliance with established norms. These range from such mild sanctions as community disapproval and censure by international organizations to coordinated national policies of economic embargoes of offending

⁷⁶ For a further discussion, see Keohane and Nye, *Power and Interdependence*, pp. 11-19, 27-29.

⁷⁷ Hobbes, *Leviathan*, ch. 14, pp. 114-16.

⁷⁸ See, for example, Kurt Baier, *The Moral Point of View*, pp. 238-39.

⁷⁹ *Ibid.*, p. 312.

states. As international organizations grow in size and scope, exclusion from participation in the production and distribution of collective goods (for example, information and technology) is likely to become increasingly effective as an additional sanction.⁸⁰

Regardless of the presence or absence of such machinery for enforcement, a wide variety of areas of international relations are characterized by high degrees of voluntary compliance with customary norms and institutionalized rules established by agreement. These areas are primarily associated with specific functions in which many states take an interest, but from which no state benefits without the cooperation of the other states involved. Governments participate in a wide range of specialized agencies (the Postal Union, the World Health Organization, the U.N. Conference on Trade and Development, etc.) and in many sectional associations like military alliances (NATO, the Warsaw Pact) and regional trade and development organizations (the European Economic Community).⁸¹ In addition, there are rules and practices that are expressed in other than organizational forms—for example, customary international law, the conventions of diplomatic practice, and the rules of war.⁸² The sphere of economic organizations and practices presents even clearer evidence of the existence of a highly articulated system of international institutions.

Evidence of areas of cooperation in which expectations of reciprocal compliance are reasonable could be multiplied, but enough has been said already to defeat the claim that the absence of a global coercive authority shows that international relations is, in the relevant sense, analogous to a Hobbesian state of nature. It is worth pausing to ask why, in the face of such fairly obvious empirical considerations, people might

⁸⁰ See Roger Fisher, "Bringing Law to Bear on Governments"; Wolfgang Friedmann, *The Changing Structure of International Law*, pp. 89-95; Michael Barkun, *Law Without Sanctions*, esp. ch. 2.

⁸¹ See Lynn H. Miller, *Organizing Mankind: An Analysis of Contemporary International Organization*, esp. chs. 3-5.

⁸² A convenient discussion of these matters is in J. L. Brierly, *The Law of Nations*, esp. chs. 2-3.

continue to think that the analogy holds. Perhaps, H.L.A. Hart suggests, this is the result of accepting a more fundamental analogy between the forms and conditions of interaction among individual persons and among communities organized as states. States, unlike persons, are not of such relatively equal strength as to make possible, or perhaps even desirable, machinery for coercive enforcement on the model of domestic society. There is no assurance that an offending state can be effectively coerced by a coalition of other states, while the use of sanctions even by a preponderant coalition might involve costs far in excess of the benefits to be derived from general compliance with appropriate rules.⁸³ It might be added that states can coordinate relatively complex activities with less reliance than individuals on centrally administered coercive threats because of their more diversified administrative and information-gathering capabilities. As a result, in a world not hierarchically ordered on the model of domestic societies, one can talk of a "horizontal" ordering which nevertheless involves substantial expectations of reciprocal compliance with rules of cooperation.⁸⁴

This picture of international relations might seem to leave little room for war, and this might seem rather unrealistic in view of the massive violence that has marked the last hundred years. But I have not meant to argue that war is a thing of the past, nor that it is no longer in some sense the ultimate problem of international politics. The point is that the concerns of international relations have broadened considerably, with the result that competition among international actors may often take a variety of nonviolent forms, each requiring at least tacit agreement on certain rules of the game that express important common interests of the actors involved. The actors in international politics, their forms of interaction and competition, their power, and the goals the system can promote have all changed. While international relations can still be charac-

⁸³ H.L.A. Hart, *The Concept of Law*, p. 214.

⁸⁴ For a further discussion, see Richard A. Falk, "International Jurisdiction: Horizontal and Vertical Conceptions of Legal Order"; and Gidon Gottlieb, "The Nature of International Law: Toward a Second Concept of Law," esp. pp. 331-39.

terized as "a tract of time, wherein the will to contend by battle is sufficiently known," it has become more complex than this as well. But this new complexity, which has both analytical and normative importance, is likely to be obscured if one accepts the model of international relations as a state of nature in which the only major problem is war.

If these empirical criticisms are correct, then, even if one holds that states are obligated to observe moral rules only when it is in their interests to do so, it seems that there are some rules of cooperation that are binding on states. This is because states have common interests, and there are reasonable grounds for expecting reciprocal compliance with some rules that advance these interests even in the absence of a higher coercive authority. Of course, a substantially more sophisticated analysis would be required to identify these rules.⁸⁵ Furthermore, when established practices are flawed (in some sense yet to be specified), or when certain kinds of actions or policies are not governed by established practices, it is still not the case that no state has an obligation to improve the system. Since states are of unequal power, it may be that some states (those that are relatively powerful) can take remedial actions without incurring substantial risks. Thus, the analogy of international relations and the state of nature fails, and as a result neither of the conclusions of the Hobbesian argument for skepticism carries over to international relations.

A final caveat should be added, if only because the point is so often obscured. My claim that it is wrong to conceptualize international relations as a Hobbesian state of nature does not imply that the international realm should be understood for all purposes on the analogy of domestic society. I have suggested, and will argue further in part three, that the two realms are similar in several respects relevant to the justification of principles of social justice. But there are important differences as well. The institutions and practices of international relations perform fewer tasks than their domestic

⁸⁵ One appropriate framework for such an analysis is provided by collective-goods theory. This project is begun in Ruggie, "Collective Goods and Future International Collaboration."

counterparts, are generally less efficient, and are less capable of coordinating the performance of tasks in diverse areas. More important, from our point of view, international relations includes fewer effective procedures for peaceful political change, and those procedures that do exist are more prone to problems of noncompliance. Rather than assimilate international relations to the state of nature or to domestic society, it would be better to understand it as occupying a middle ground. As in domestic society, there are, in international relations, both shared and opposed interests, providing a basis for both cooperation and competition. But effective institutions for exploiting the bases of cooperation are insufficiently developed, and their further growth faces great obstacles. These considerations do not argue for the meaninglessness of talk about international ethics, but they do present distinctive problems for any plausible international normative theory. In part three, I shall explore in more detail how these problems might be faced.

4. The Basis of International Morality

THE second, prescriptive, use of the state of nature explains the justification of regulative principles for political or international life. It does so by showing that a principle or set of principles would be the most rational choice available for persons situated in a state of nature.

Hobbes argues that the first law of nature—that is, the first principle to which rational persons situated in the state of nature would agree—is "that every man, ought to endeavour peace, as far as he has hope of obtaining it"; this law is qualified by what Hobbes calls "the right of nature," namely, that when a man cannot obtain peace, "he may seek, and use, all helps, and advantages of war."⁸⁶ The justification of these prescriptions, as I have argued, is based on rational self-interest. The analytical use of the state of nature shows that

⁸⁶ Hobbes, *Leviathan*, ch. 14, p. 117.

compliance with the laws of nature in the absence of an effective agreement by others to do the same would not be in the interests of any person. The prescriptive use of the state of nature provides the grounds for inferring that this is a reason not to comply with the laws of nature unless the compliance of everyone else can be assured. "[I]f other men will not lay down their right" of nature, "then there is no reason for any one, to divest himself of his: for that were to expose himself to prey."⁸⁷

It is clear that the description of the state of nature, and of the persons located in it, should express the point of view from which regulative principles should be chosen. Hobbes thinks that this point of view is adequately captured by the idea of self-interest: principles for domestic or international politics must be justified, respectively, by considerations of individual or national self-interest. This view is expressed by his description of a state of nature in which the parties do what is in their own interests, and by his conception of a law of nature as a rule "by which a man is forbidden to do that, which is destructive of his life, or taketh away the means of preserving the same."⁸⁸ Our problem in assessing the prescriptive use of the international version of the state of nature is not, as it was with the analytical use considered above, to determine whether there are common interests among states that can support rules of cooperation, and whether the circumstances of international relations ever allow states to follow those rules without unacceptable risk. Instead, we must ask whether the Hobbesian account, applied to international relations, provides an acceptable theory of the justification of international moral principles. There are two questions. First, should the justification of principles for international relations appeal ultimately to considerations about states (e.g., whether general acceptance of a principle would promote each *state's* interests)? Second, should the justification of such principles appeal only to *interests*?

The argument that states should pursue their own interests in the absence of reliable expectations of reciprocal compli-

⁸⁷ Ibid.

⁸⁸ Ibid., pp. 116-17.

ance with common rules depends on the analogy drawn between persons in the interpersonal state of nature and states in international relations. But this analogy is imperfect. In the interpersonal case, the idea that persons can pursue their interests unrestrained by moral rules might seem plausible because we assume that each has a right of self-preservation. Hobbes's claim that the laws of nature are not effective in the state of nature follows from the empirical claim that compliance with laws of nature in such a situation could require a person to act against his or her legitimate interest in self-preservation. But this reasoning does not obviously apply in the international case. By analogy with the interpersonal case, the argument for following the national interest when it conflicts with moral rules would be that there is a *national* right of self-preservation which states cannot be required to give up. The difficulty is that it is not clear what such a right involves or how it can be justified. States are more than aggregations of persons; at a minimum, they are characterized by territorial boundaries and a structure of political and economic institutions. How much of this—to say nothing of such other elements of statehood as cultural tradition, social structure, and so on—is covered by the presumed right of national self-preservation?

The plausibility of the claim that there is a basic right of national self-preservation seems to diminish as the idea of statehood is expanded. For example, it might seem relatively unobjectionable to say that the national interest justifies some action or policy when this is necessary to preserve the lives of the state's inhabitants against an external threat. In this case, the analogy with the interpersonal state of nature seems most acceptable, because it can be argued that the state's right of self-preservation is based directly on its individual members' rights of self-preservation. The presumed right is less acceptable when it is not lives but a state's territorial integrity that is at stake, since there is not necessarily any threat to individual lives. Persons often survive changes in national boundaries. If we expand the idea of statehood still farther—say, another state threatens a particular government but does not threaten lives or territory—the analogy loses even more of its persua-

siveness. I am not arguing that persons would not have legitimate claims against other states and persons in these cases, but rather that these claims could not be based on individual rights of self-preservation. In each case, the grounds on which pursuit of the national interest could be justified are the effects of the external threat on other rights of persons. These are not captured by the analogy with the state of nature.

This point is obscured because the skeptical position carries over the analogy of states and persons from the analytical and descriptive use of the international state of nature to the prescriptive use. I have argued that this analogy is misleading even in the analytic use. But even if this is incorrect, it would not follow that the analogy may be employed appropriately in justifying prescriptions for international behavior. It is easy to see how one might be led to carry the analogy too far. When the state of nature is used for analytical purposes and the actors are persons, there is no difficulty in using the same construct to justify principles of conduct, since these are in any event to be based on a consideration of the moral properties of persons. But when the state of nature is applied to international relations, one must recognize that analytical and prescriptive interests may require different interpretations of the state of nature. If we wish to *understand* the behavior of states, perhaps it would be helpful to view them as rational actors which respond to international circumstances on the basis of a calculation of their rational self-interest. (The analysis in section 3 suggests some doubts about the realism of rational-actor models of international politics, but that is beside the point at the moment.) But if we wish *to prescribe* principles to guide the behavior of states, we are involved in a quite different sort of question. For then our justification of normative principles must appeal ultimately to those kinds of considerations that are appropriate in a prescriptive context, namely, the rights and interests of persons. If the idea of the national interest plays any role in justifying prescriptions for state behavior, it can only be because the national interest derives its normative importance from these deeper and more ultimate concerns.

Those who wish to apply Hobbes's argument to international relations should say that the parties to the international state of nature, when it is used as a device for showing which rules of conduct are rational, are to be conceived as persons rather than as states. This state of nature is international in the sense that the parties to it are of diverse citizenship. But they are still persons, and their choice of rules for the behavior of states (on such a revised Hobbesian view) is guided by their desire to preserve themselves as persons rather than simply to preserve their states as states. The effect of redefining the international state of nature in this way is to limit the choice of international rules in accordance with the considerations advanced above. The parties would still agree to a principle that used the national interest as a guide to behavior in the absence of reliable expectations of reciprocal compliance with moral rules. But now they would limit the national interest to what is required to preserve their lives. On the other hand, where there *are* reliable expectations of reciprocal compliance, there is no need to appeal to the national interest to justify principles of international conduct at all. For in that case individual rights of self-preservation are assured by the existence of stable expectations. The important question in identifying justifiable rules of international conduct would then be the effects of mutual compliance with the various alternative rules on the other rights of persons.⁸⁹

The national interest is often invoked to justify disregard of moral principles that would otherwise constrain choices among alternative foreign policies. Thus, for example, Morgenthau writes that "the state has no right to let its moral disapprobation . . . get in the way of successful political action, itself inspired by the moral principle of national survival."⁹⁰ It

⁸⁹ To say that the (prescriptive) international state of nature is made up of persons rather than states (or their representatives) is not to eliminate states from the purview of international theory. My claim here is that principles must be *justified* by considerations of individual rather than "national" rights. But there is no theoretical difficulty in holding that such principles still *apply* primarily to states.

⁹⁰ Morgenthau, *Politics Among Nations*, p. 10.

is tempting to interpret Morgenthau as claiming that "the moral principle of national survival" should receive greater weight in deliberations concerning foreign policy than those other principles on which officials might base their "moral disapprobation." If my remarks above are correct, however, this interpretation is unhelpful because it fails to remove an important ambiguity from Morgenthau's formulation and hence fails to explain why his view is plausible at all. The ambiguity concerns the scope of "national survival." When this means "the survival of the state's citizens," the view seems *prima facie* acceptable, but this is because we generally assume that persons (not states) have rights of self-preservation. When "national survival" extends further (for example, to the preservation of forms of cultural life or to the defense of economic interests) the view's *prima facie* acceptability dissipates precisely because the survival of persons is no longer at issue. In such cases the invocation of the national interest does not necessarily justify disregard of other moral standards. What is required is a balancing of the rights and interests presumably protected by acting to further the national interest and those involved in acting on the competing principle that gives rise to moral disapprobation. While it cannot be maintained *a priori* that the individual rights presumably protected by the national interest would never win out in such cases, the opposite cannot be maintained either. Yet this is exactly what an uncritical acceptance of Morgenthau's view invites. Thus, to clarify the issues involved in debates regarding foreign policy choices, it would seem preferable to dispense with the idea of the national interest altogether and instead appeal directly to the rights and interests of all persons affected by the choice. Similarly, nothing is gained, and considerable clarity is lost, by attempting to justify principles of international conduct with reference to their effects on the interests of states. It is the rights and interests of persons that are of fundamental importance from the moral point of view, and it is to these considerations that the justification of principles for international relations should appeal.

The other objection to the Hobbesian state of nature as a

device for justifying rules of international conduct goes deeper and requires further changes in the definition of the state of nature. This criticism is generally relevant to the view of ethics according to which moral rules oblige only when they can be shown to be in the interests of everyone to whom they apply. The view does not allow moral criticism of established practices (although it allows criticism on other, e.g., prudential, grounds) nor does it admit principles whose general observance might seem morally required but would not benefit every party. But both of these seem, intuitively, to be part of the idea of morality.

The issue raised by this objection, of course, is fundamental to ethics: how can anyone have a reason to do particular actions or subscribe to general practices that cannot be shown to work to his advantage when a more advantageous alternative is available? In other words, how is ethics possible? The question is made complex because it requires a joint solution to the problems of moral justification—in what sense is compliance with moral rules rational?—and of moral motivation—how can these rules move us to act? These questions deserve discussion in their own right, but this would carry us far from the subject of international norms. Rather than pursue the question in any depth here, I shall assume that we share some general intuitions about the nature of ethics and try to show that the Hobbesian view falls far short of them. Then I shall return to the problem of expectations of reciprocal compliance and ask how it is relevant to the justification of principles for international relations.⁹¹

The view that ethics is based on enlightened self-interest is inadequate. It fails to account for certain principles that intuitively seem to impose requirements on our actions regardless of considerations of actual or possible resulting benefit to ourselves. Elementary examples of such principles are the rule not to cause unnecessary suffering or to help save a life if that can be done at acceptable cost and risk. Although, in

⁹¹ The most elegant and subtle recent discussion of the issues raised here is Nagel, *The Possibility of Altruism*, on Hobbes, see Thomas Nagel, "Hobbes's Concept of Obligation."

general, we are likely to think that others would behave similarly if they were in our shoes and were called upon to comply with these rules, it does not seem that this is the reason we would give for acting on them. Indeed, we would say that there may be at least some moral obligations that impose requirements on action regardless of the presence or absence of expectations of reciprocal compliance, and, a fortiori, of conventions and enforceable rules that institutionalize these expectations and enhance their reliability. If the notion of natural moral requirements has a clear reference, it is to these sorts of obligations which do not gain their binding quality from the expectations, conventions, and institutions of particular communities.

One might agree with all of this, but claim that some other principles are based on self-interest—in particular, principles of justice that require compliance with political institutions or actions aimed at their reform. The argument would be that only self-interest provides a sufficiently strong motive for the sorts of actions required by justice, since natural moral requirements (for example, those discussed above which are, perhaps, based on such moral sentiments as altruism) are too few and too weak to support a very extensive system of social cooperation.⁹² However, the Hobbesian view is inadequate here too. For it seems impossible to justify on the basis of self-interest compliance with the general rules governing participation in institutions. Consider, for example, the principle of political obligation. In one formulation, this principle holds that those who have submitted to the rules imposed by an institution, thus restricting their liberty, "have a right to a similar submission from those who have benefited by their submission."⁹³ Any defense of this principle based on self-interest sooner or later runs into the free-rider problem—why should someone submit to a restriction when he can benefit equally from nonsubmission? It requires truly heroic empirical assumptions to defeat such objections without giving

⁹² A view of this kind is expressed in Philippa Foot, "Moral Beliefs," pp. 99-104.

⁹³ H.L.A. Hart, "Are There Any Natural Rights?," p. 185.

up the claim that political obligation must be based on considerations of self-interest. But a Hobbesian view of ethics leaves no alternative.⁹⁴

The Hobbesian position and that expressed by these intuitive reflections represent two points of view from which we might make choices about how to act. To assert that ethics is possible is to say that there are occasions when we have reason to override the demands of self-interest by taking a moral point of view toward human affairs. Speaking very roughly, the moral point of view requires us to regard the world from the perspective of one person among many rather than from that of a particular self with particular interests, and to choose courses of action, policies, rules, and institutions on grounds that would be acceptable to any agent who was impartial among the competing interests involved. Of course, this is not to say that interests are irrelevant to moral choice. The question is how interests come into the justification of such choices. From the point of view of self-interest, one chooses that action or policy that best serves one's own interests, all things considered. From the moral point of view, on the other hand, one views one's interests as one set of interests among many and weighs the entire range of interests according to some impartial scheme. Both points of view are normative in the sense that they may impose requirements on action—for example, by requiring us to subordinate some immediate desire to some other consideration: either long-range self-interest (on Hobbes's view) or the interests of everyone. But only the moral perspective allows us to explain the basis of such natural moral requirements (and perhaps some institutional ones as well) as may move us to act even when there is no assurance of reciprocal compliance, and hence no self-interested justification, available.

This conclusion may seem stronger than it is. While I have argued that the moral point of view is not irrelevant to political theory, I have not said anything about the content of the moral norms that should constitute its substance. Thus, while

⁹⁴ See the illuminating discussion of the relation of rational self-interest and ethics in David P. Gauthier, "Morality and Advantage," esp. pp. 468-75.

it follows that the putative absence of reliable expectations in international relations does not show the impossibility of international political theory, very little is obvious about the strength or extent of the theoretical principles appropriate to such an environment. In other words, there is a gap between the structure of moral choice and the content of the rules, policies, and so on that should be chosen to govern various realms of action. How the gap is filled depends on the morally relevant features of the realm in question.

This explains how it is possible, as I observed above, to reject Hobbes's general conception of the state of nature (and with it his moral skepticism) and yet persist in the conclusion that the only effective principle of international morality is that of self-preservation. The empirical situation might be such that, when it is appraised from the moral point of view, the most that can be said is that agents should each pursue his own interests. While I have argued that such an empirical situation does not exist in some important areas of contemporary international relations, it could exist, and if it did, the moral conclusions that would follow would be, so to speak, extensionally equivalent to those reached on Hobbes's view. There is an important difference, however; while these conclusions rest, for Hobbes, on considerations of enlightened self-interest, on the other view they are founded on a consideration of all affected interests, balanced by an (as yet vague) impartial process. Thus, my claim that international political theory is possible does not imply that its principles are the same as (or analogous to) those that characterize the political theory of the state. Surely one factor that one would consider in choosing international principles from the moral point of view is the relatively lower reliability of expectations of reciprocal compliance in international relations. If it turns out that this factor is morally relevant in particular contexts of justification, then it would certainly affect the strength and extent of the resulting principles.

The position I have sketched as an alternative to Hobbes's is a reconstruction of that taken by many writers of the natural law tradition. The most familiar of these is Locke. Like Hobbes, he specifically compares the relations of states to the

relations of persons in the state of nature.⁹⁵ Unlike Hobbes, Locke argues that even the state of nature "has a Law of Nature to govern it, which obliges every one: And Reason, which is that Law, teaches all Mankind, who will but consult it, that being equal and independent, no one ought to harm another in his Life, Health, Liberty, or Possessions."⁹⁶ However, Locke paid little attention to the specific requirements of the law of nature as applied to international relations.⁹⁷

Although less familiar to us than Locke, Samuel Pufendorf is far more instructive on the application of natural law to nations. His major work on the subject, *Of the Law of Nature and Nations* (*De jure naturae et gentium*), is especially interesting because it explicitly takes up Hobbes's arguments and attempts to defend the natural law tradition against them while producing similar conclusions regarding the weakness of moral rules in international affairs.⁹⁸ Against Hobbes, Pufendorf claims that justice and injustice were "defined by natural law and binding upon the consciences of men . . . before there were civil sovereignties."⁹⁹ Furthermore, these principles are effective even in the absence of a superior power on earth who explicitly proclaims and enforces the law; it is enough if they can be regarded as commands of God "arrived at and

⁹⁵ John Locke, *Two Treatises of Government* [1689], II, sec. 9, pp. 290-91, sec. 14, pp. 294-95, and sec. 145, p. 383.

⁹⁶ Ibid., II, sec. 6, p. 289. Compare Gierke, *Natural Law and the Theory of Society*, vol. 1, p. 97.

⁹⁷ Only one chapter—chapter 16, "Of Conquest"—of the Second Treatise is devoted specifically to this subject. However, it has been argued that a concern for international problems animates much of the remainder of Locke's theory as well. See Richard Cox, *Locke on War and Peace*. This interpretation is highly speculative, and there is little direct textual evidence in its support.

⁹⁸ Anglo-American scholars have paid too little attention to Pufendorf as a political and especially as an international theorist. There is a useful, largely historical, discussion of his views in Leonard Krieger, *The Politics of Discretion*. A brief, and I think accurate, account of his view of the law of nations can be found in Walter Schiffer, *The Legal Community of Mankind*, pp. 49-63. The best work is in German. See the bibliography in Horst Denzer, *Moralphilosophie und Naturrecht bei Samuel Pufendorf*, pp. 375-85.

⁹⁹ Samuel Pufendorf, *De jure naturae et gentium, libri octo* [1688], VIII, i, p. 1,138 (the order of the phrases has been reversed). See also II, ii, pp. 158-59.

understood in any way whatsoever, whether by the inner dictate of the mind, from the condition of our nature, or the character of the business to be undertaken."¹⁰⁰

Pufendorf has a problem with principles for nations because he wants to derive essentially Hobbesian results from a moralized (one might say Lockean) image of the state of nature. Like Hobbes, he argues that principles for nations can be derived from principles for individuals in the state of nature by regarding nations as "moral persons." Then principles for nations would be just the principles for individuals writ large.¹⁰¹ Yet he also holds that the result of reinterpreting the principles in this way is a group of principles weaker in several respects than their analogues for individuals. For example, he seems to hold that pacts and treaties are binding on nations only when they serve mutual interests, whereas promises among individuals bind regardless of such considerations.¹⁰² Also, while he holds that individuals always have a reason to combine into states to escape the state of nature, he does not believe that nations have an analogous reason to form some sort of supranational federation or world government.¹⁰³

The explanation for these apparent inconsistencies is that Pufendorf does not view international relations as precisely analogous to the state of nature for individuals.¹⁰⁴ The interpersonal and international states of nature are similar insofar as both are characterized by rough equality of strength of the units and lack of a common enforcer of laws.¹⁰⁵ In both cases reason determines the regulative principles. But other circumstances differ, and the contents of the principles vary accordingly. There seem to be two main respects in which the analogy fails to hold. First, Pufendorf claims that states are

¹⁰⁰ Ibid., II, iii, p. 219. Pufendorf is responding to Hobbes's claim in *De Cive* (III, sec. 33, pp. 49-50) that "laws of nature . . . are not in propriety of speech laws" outside of civil society.

¹⁰¹ Pufendorf, *De jure naturae*, II, iii, p. 226; VII, ii, p. 983.

¹⁰² Ibid., VIII, ix, p. 1,338; VIII, x, p. 1,342-43.

¹⁰³ Ibid., II, iii, p. 163; VII, 1, p. 949-63.

¹⁰⁴ Ibid., VIII, vi, p. 1,292.

¹⁰⁵ Ibid., II, ii, p. 163; III, ii, p. 330; VIII, iv, p. 1,253.

less likely than persons to be moved by other-regarding considerations when these come into conflict with self-interest.¹⁰⁶ If this is generally true, then it can be argued that those forms of obligation that depend on the availability of other-regarding motivations (such as keeping promises) are correspondingly weaker. A further, and more fundamental, difference is that the safety and liberty of individuals is far less secure in the interpersonal state of nature than in a state of nature made up of independent nations. The "state or commonwealth" is "the most perfect form of society, and is that wherein is contained the greatest safety for mankind."¹⁰⁷ Because the "safety" of individuals is adequately assured by the organization of commonwealths, the international state of nature "lacks those inconveniences which are attendant upon a pure state of nature."¹⁰⁸

Some aspects of Pufendorf's view of the international state of nature are subject to the same empirical criticisms that I have made against Hobbes's. In particular, Pufendorf seems to accept the view that states are the only actors in international relations, that they are largely noninterdependent, and that they entertain few reliable expectations of reciprocal compliance with rules and common practices. I shall not rehearse my criticisms of these views again here. The importance of Pufendorf's system is that it gives a more acceptable account than Hobbes's of why principles for nations may sometimes fail to be analogous to those for individuals in civil society. This possibility, which seems to be a common intuition about international ethics and is clearly captured in the relative weakness of customary international law, need not force us to the extreme conclusion that morality and the normative political theory that derives from it have no place in international relations. Indeed, it is impossible to maintain this view as a matter of principle short of adopting a thoroughgoing skepticism about all morality. It is more reason-

¹⁰⁶ Ibid., II, ii, p. 176; VII, i, p. 962. Pufendorf gives no account of why this is the case. Rousseau held a similar view. See above, note 47.

¹⁰⁷ Pufendorf, *De jure naturae*, VII, i, p. 949.

¹⁰⁸ Ibid., II, ii, p. 163. Compare Hobbes, *Leviathan*, ch. 13, p. 115.

able to explain the peculiar features of international principles as the result of empirical differences between the domestic and international environments, viewed from a common perspective of moral justification. If this is true, then we can reformulate the relationship between principles for individuals in the state of nature and for nations in international relations. Rather than derive the former and reinterpret them, putting nations for persons, to obtain international principles, we might choose another procedure. We might, instead, regard the choice of international principles as a problem of political theory in its own right, which is to be solved independently of the choice of principles for persons outside of civil society. Principles for persons in the state of nature would then come into the discussion of international theory in the form of arguments by analogy. While they have no special status in the international context, they provide guidance in formulating international principles just in case the analogy between international relations and the state of nature is in the relevant respects appropriate. But the justification of international principles is independent of this comparison; it is to be sought in a return to the machinery of justification—which I have vaguely called the moral point of view—that is the common foundation of principles in both realms.

5. From International Skepticism to the Morality of States

THE most sophisticated argument available to the skeptic flows from the characterization of international relations as a Hobbesian state of nature. This position combines an empirical analysis of international relations, according to which no state has an interest in following cooperative rules, and a theory of moral justification that holds that all moral restrictions on action must promote the long-range interests of the agent. If moral rules must advance the interests of

everyone to whom they apply, and if it is not in any state's interest to follow moral rules, then, the argument concludes, there is no international morality.

The first part of this position results from an analytical application of the state-of-nature analogy, and the second part from a prescriptive application of it. I have argued that both applications of the idea of the state of nature to international relations are inappropriate. First, when the international state of nature is viewed as an analytical device, it produces the empirically false conclusion that there can be no reliable expectations of reciprocal compliance with cooperative institutions and policies in the absence of an overarching world authority. Such an analysis tends to obscure the fact that the interactions that comprise international relations take a variety of nonviolent forms, many of which require cooperative maintenance of common rules. Even if it were true that morality is based on self-interest (that is, even if Hobbes were right about moral theory), international skepticism would be wrong for empirical reasons, for states have interests in following these rules, and there are circumstances in which it is rational for them to expect each other to do so.

However, I have argued that Hobbes is wrong about moral theory, and this leads to further reasons for rejecting international skepticism. When the state of nature is viewed as a moral construct, and interpreted as it is by Hobbes, it supplies an unacceptable account of the justification of moral principles, and a fortiori of moral principles for international relations. The Hobbesian view invites a justification of international principles in terms of the interests of states; but, even if Hobbes's metaethics were accepted, it is the interests of *persons* that are fundamental, and "national interests" are relevant to the justification of international principles only to the extent that they are derived from the interests of persons. More basically, moral requirements on action can have justifications other than the rational self-interest of the agent. For example, participation in common practices and institutions can be morally obligatory even when compliance with the appropriate rules in any particular case does not advance the agent's own interests. Further considerations (e.g., fairness,

equality) should be taken into account in the design of such practices and institutions. Moreover, there may be circumstances not involving participation in standing practices and institutions in which action can be morally required even when it does not advance the agent's interests. This class is important because it includes actions that would promote the development of morally acceptable institutions.

These conclusions remove a main source of skepticism about the meaningfulness of moral judgments concerning international relations by undermining the most powerful argument available to the international skeptic. Unless one is willing to embrace a general skepticism toward all morality, the analysis of international relations as a state of nature does not yield the conclusion that moral judgments do not provide reasons for action when they concern the international realm.

To say that international skepticism is incorrect, then, is to say that international political theory is possible. But it does not say much more, and, in particular, it does not say anything about the substance of the normative principles that should govern action in the international realm. I have illustrated this by considering Pufendorf's critique of Hobbes: while Pufendorf rejects Hobbes's skepticism about the possibility of international morality, he proposes international principles that are very weak. There would be little difference, in practice, between following Pufendorf's principles and Hobbesian prudence.

If the Hobbesian view of international relations is the dominant one in the Anglo-American tradition, then the view represented by Pufendorf is the most widely favored alternative. We might call this view the morality of states, because it is based on a conception of the world as a community of largely self-sufficient states which interact only in marginal ways. States, not persons, are the subjects of international morality, and the most fundamental rules that regulate their behavior are supposed to preserve a peaceful order of sovereign states.

Two basic features of the morality of states are especially striking. One is the principle of state autonomy: like persons in domestic society, states in international society are to be treated as autonomous sources of ends, morally immune

from external interference, and morally free to arrange their internal affairs as their governments see fit. The other is the absence of any principle of international distributive justice: in the morality of states, each state is assumed to have a right to the wealth of its territory, and there are no moral rules regarding the structure and conduct of economic relations between states. Taking these two points together, the morality of states might be understood as the international analogue of nineteenth-century liberalism. It joins a belief in the liberty of individual agents with an indifference to the distributive outcomes of their economic interaction.

In the rest of this book, I criticize these two elements of the morality of states. I shall argue that each is incorrect; and, while I cannot now provide a comprehensive theoretical alternative to the morality of states, I shall suggest several important respects in which the received view should be revised.

PART TWO

The Autonomy of States

[T]he recognition of sovereignty is the only way we have of establishing an arena within which freedom can be fought for and (sometimes) won. It is this arena and the activities that go on within it that we want to protect, and we protect them, much as we protect individual integrity, by marking out boundaries that cannot be crossed, rights that cannot be violated. As with individuals, so with sovereign states: there are things that we cannot do to them, even for their own ostensible good.¹

¹ Michael Walzer, *Just and Unjust Wars*, p. 89. Walzer's position, as developed in this book, is not as absolutely noninterventionist as the quotation suggests.

PERCEPTIONS of international relations have been more thoroughly influenced by the analogy of states and persons than by any other device. The conception of international relations as a state of nature could be viewed as an application of this analogy. Another application is the idea that states, like persons, have a right to be respected as autonomous entities. This idea, which dates from the writings of Wolff, Pufendorf, and Vattel, is a main element of the morality of states and is appealed to in a variety of controversies in international politics. Most often, these controversies involve the principles of nonintervention and self-determination, or the claim that foreign investment and multinational corporate activity in poor countries are objectionable because they constitute external interference in what is properly a country's internal affairs.

While the idea of state autonomy is widely held to be a fundamental constitutive element of international relations, I shall argue that it brings a spurious order to complex and conflicting moral considerations. This idea is neither fundamental, nor adequate as a justification of either the supposedly derivative principles of nonintervention and self-determination or the moral objections to imperialism and economic dependence. Intervention, colonialism, imperialism, and dependence are not morally objectionable because they offend a right of autonomy, but rather because they are unjust. In various ways which I shall try to make explicit, such policies offend principles of justice that ought to characterize the relations of states and the relations of persons within states. This is not to say that there are never cases in which a right of state autonomy ought to be respected, but rather that such a right, when it exists, is a derivative of more basic principles of justice. Furthermore, there are many cases in which there is no obvious reason why a state's autonomy should be respected—the clearest are those involving colonialism, in which observance of a principle of autonomy would, in effect, protect imperial powers against demands for colonial self-determination.

I argue these points by examining the moral reasoning for the principles of nonintervention and self-determination. In each case, I try to show that the idea of state autonomy as conventionally understood provides an inadequate foundation for the principles involved, and that conceptions of domestic social justice are required to make good the inadequacies. However, I do not, in the present discussion, consider the content of the appropriate conceptions of justice.

It is important to stress, in advance, that my interest here is in the idea of state autonomy and the extent to which the associated moral concerns furnish a basis, *in principle*, for opposing intervention and supporting self-determination. I do not wish to foreclose the very likely possibility that particular cases of potential intervention or self-determination might involve other moral or prudential considerations that could prove in those cases to be overriding.

One further point of clarification is in order. Although nonintervention and self-determination have been discussed extensively as principles of international law, I shall consider them from a different point of view. My concern is to examine these principles as principles of international political theory, much as many theorists have viewed the principle of equal liberty as a principle of the political theory of the state rather than as an element of positive law. Accordingly, I shall ask how these principles may be justified morally, and how their justifications influence the contents of the principles. The relation of normative political theory to the international law of self-determination and nonintervention is a distinct issue, since a theory of international legal interpretation is required to explain how normative principles come into the determination of international law. I shall not pursue that problem here.

1. State Autonomy and Individual Liberty

IN THIS and the following sections, I propose a criticism and reconstruction of the idea of state autonomy by exploring the moral foundations of the principle of nonintervention. Historically, this principle is the most important embodiment of the modern idea that states should be treated as autonomous entities; it is also the main structural principle of a conception of the world, dominant since the mid-seventeenth century, as an order of largely self-sufficient states. Previously, a different conception of international order had been ascendant; in that conception, exemplified by Grotius, states were regarded as elements of a larger moral order, and their boundaries were not viewed as barriers to external moral assessment or political interference.² Grotius is often called the father of modern international law, but in this respect the label is incorrect. He argues, not for the nonintervention principle, but for the distinct principle that intervention is sometimes justifiable (for example, when necessary to stop oppression in another state).³ The prohibition of intervention was formulated by later writers—largely Wolff and Vattel—who argued that the rights of sovereign states, or considerations of international stability, or both, required virtually unlimited toleration in international affairs.

From a philosophical point of view, the nonintervention principle, and various arguments usually given in its support, can be seen to embody the considerations that make the ideal of state autonomy intuitively most attractive. These considerations flow from two analogies with the political theory of the state, namely, the analogy of states and persons, and the resulting analogy of nonintervention and equal liberty. By considering arguments for the nonintervention principle based on these analogies, we can make more explicit the meaning and import of the ideal of state autonomy and assess its continuing relevance.

² See P. H. Winfield, "The History of Intervention in International Law," pp. 132-34; Hedley Bull, "The Grotian Conception of International Society."

³ Hugo Grotius, *De jure belli ac pacis libri tres* [1625], II, xxv, sec. vi, p. 582.

It is worth pausing to consider the scope of the nonintervention principle. It prohibits intervention, but what, exactly, is intervention? At the most general level, intervention refers to actions or policies designed to influence the affairs of a sovereign state and carried out by an agent external to that state. But there is considerable dispute in the recent literature about how to interpret the concept more precisely.

At one end of the range of available definitions are narrow conceptions that identify intervention with "coercive interference" by a state in the political affairs of another state involving "the use or threat of force."⁴ There is considerable indeterminacy even in such a narrow definition. This results from the vagueness of the concepts of coercion, of force, of a state's political affairs, and of interference. The most restrictive interpretation would be that intervention is a policy carried out by a government, aimed at changing the structure of political authority in another state against its will, using military force.

In addition to the moral objections that can be brought against other forms of interference, military intervention is subject to a variety of challenges that apply to all uses of armed force in international affairs. Such challenges complicate the case against interference by obscuring those moral objections that apply independently of the presence or absence of military violence. In order to concentrate on these concerns, I shall bracket the case of military intervention and limit what I shall call the narrow definition of intervention to policies of interference that involve threats of military force but fall short of the actual use of violence.

This definition could be broadened by enlarging any or all of its conditions. For example, forms of coercion not involving threats of military force (like threats of economic sanctions or subversion) could be allowed into the definition.⁵ On this view, intervention is marked by compulsion rather than

⁴ R. J. Vincent, *Nonintervention and International Order*, p. 8. This definition derives from Oppenheim. See L. Oppenheim, *International Law: A Treatise*, vol. 1, *Peace*, p. 305.

⁵ "Economic pressures on other states; diplomatic demands backed up with political threats to force a state to curb freedom of speech, press, and radio; fifth column activities; the inciting of another state's peoples to rise against its

merely by armed force.⁶ At least one writer has argued that intervention should simply be identified with influence.⁷ Thus, bilateral economic aid has been claimed to constitute an instrument of intervention because political conditions are often attached.⁸ Alternatively, or in addition, one might broaden the definition by allowing that other actors than state governments can practice intervention, especially such "non-national" actors as multinational corporations and terrorist groups, or such international actors as the United Nations and regional organizations.⁹ Finally, the definition could be broadened further by allowing that intervention can have other goals than a change in the formal structure of authority in another state.¹⁰ For example, perhaps intervention could aim at inducing a government to change a particular policy against its will, at altering the balance of power between competing groups or classes, or at producing a change in the structure of economic activity within a state. Although none of these necessarily involves a change in constitutional structures, all of them have in common the fact that they involve producing internal changes regardless of the wishes of the government of the state intervened in. In this sense they might be said to constitute coercive interference.

One might think that the breadth and vagueness of a definition of intervention enlarged along these lines is a reason either to restrict the definition as narrowly as possible or to

government; and a multitude of other refined techniques of interference must in many instances come under the heading of intervention." A.V.W. Thomas and A. J. Thomas, Jr., *Non-Intervention*, p. 69.

⁶ Ibid., p. 71. Compare Hersch Lauterpacht, *International Law and Human Rights*, p. 167; Manfred Halpern, *The Morality and Politics of Intervention*, p. 9.

⁷ James N. Rosenau, "Intervention as a Scientific Concept," p. 159.

⁸ David A. Baldwin, "Foreign Aid, Intervention, and Influence," p. 426. There is a somewhat different view in Michael N. Cardozo, "Intervention: Benefaction as Justification," pp. 79-82.

⁹ For these suggestions, see, respectively, Peter B. Evans, "National Autonomy and Economic Development"; and Richard A. Falk, "On Legislative Intervention by the United Nations in the International Affairs of Sovereign States," *Legal Order in a Violent World*, esp. pp. 341-42.

¹⁰ For the view that "straightforward efforts to induce changes in particular policies of another government" are *not* instances of intervention, see Oran Young, "Intervention and International Systems," p. 178.

abandon the concept of intervention as an anachronism.¹¹ Or, one might conclude that intervention conventionally applies to several types of situations that have few features in common, with the result that each type needs to be examined separately.¹² But there is reason to hesitate about drawing any of these conclusions. The controversy about the definition of intervention masks a question of substantive political ethics—what forms of interference in a state's internal affairs are impermissible, and why? In the recent literature, arguments about this question have been formulated as arguments about how to interpret the definition of intervention. On the premise that all intervention is impermissible, this approach attempts to define intervention so that any and all actions and policies that constitute impermissible interference in a state's internal affairs count as intervention. The most obvious flaw in this approach is its premise that all intervention is impermissible. This is a substantive claim that needs a justification. A deeper flaw is the tacit assumption that the three main elements of the *definition* of intervention—its form, its agent, and its goal—capture all of the considerations that might enter into arguments about the *permissibility* of intervention. As we shall see, this is not obviously true. It would be better to separate questions of definition from questions of political ethics. We might provisionally accept the broadest reasonable definition of intervention and then consider the normative issue of when intervention is impermissible, and why. If it turns out that there are cases in which some forms of intervention are morally permissible, one should acknowledge that fact rather than conceal it behind a cumbersome and mystifying definition.

We can begin our consideration of the normative issue by

¹¹ For the restrictionist view, see Vincent, *Nonintervention*, pp. 6-13. Andrew M. Scott urges that the principle of nonintervention is obsolete in *The Revolution in Statecraft*, p. 107. He puts his view in a more moderate form in "Nonintervention and Conditional Intervention," p. 209.

¹² "Intervention," John Norton Moore claims, is "a monochromatic term for a polychromatic reality." "Intervention," *Law and the Indo-China War*, p. 83. See also "The Control of Foreign Intervention in Internal Conflict," *Law and the Indo-China War*, pp. 126-27.

examining Christian Wolff's argument for the nonintervention principle, because his argument clearly captures the analogy of states and persons, and because it has been influential in the subsequent development of international thought. He writes, "[N]ations are regarded as individual free persons living in a state of nature."¹³ Following out the analogy, he holds that nations, like persons, are moral equals: "Since by nature all nations are equal, since moreover all men are equal in a moral sense whose rights and obligations are the same; the rights and obligations of all nations are also by nature the same."¹⁴ The "rights and obligations" of a nation are defined by its "sovereignty" which is "originally . . . absolute" but can be limited by laws of nations which impose restrictions equally on every state.¹⁵ The nonintervention rule follows directly: "Since by nature no nation has a right to any act which pertains to the exercise of the sovereignty of another nation . . . ; no ruler of a state has the right to interfere in the government of another, consequently cannot establish anything in its state or do anything, and the government of the ruler of one state is not subject to the decision of the ruler of any other state."¹⁶ Wolff has been interpreted as proposing an "absolute" prohibition of intervention.¹⁷ However, he allows that the community of states "as a whole" has a right to "coerce" any state to comply with the law of nations.¹⁸ The prohibition is absolute only with regard to states, which may not interfere in the affairs of other equally sovereign states.¹⁹

The intuitive appeal of this sort of argument results from the analogy with personal liberty. We are likely to think that a person's liberty to pursue his own ends without interference

¹³ Christian Wolff, *Jus gentium methodo scientifica pertractatum* [1749], sec. 2, P. 9.

¹⁴ Ibid., sec. 17, p. 16.

¹⁵ Ibid., sec. 255, p. 130; sees. 3-6, pp. 9-10.

¹⁶ Ibid., sec. 257, p. 131.

¹⁷ Thomas and Thomas, *Non-intervention*, p. 5.

¹⁸ Wolff, *Jus gentium*, sec. 13, p. 14; Vincent, *Nonintervention*, p. 28.

¹⁹ Vattel follows Wolff in this formulation. See Emerich de Vattel, *The Law of Nations or the Principles of Natural Law* [*Le droit des gens*] [1758], II, sec. 54, p. 131. The principle of state equality is hardly arcane. John Rawls also sees it as the basic principle of international relations. See A *Theory of Justice*, p. 378.

is an important good, that it is better to have more of it than less, and that there is no moral warrant for interfering with a person's liberty to pursue his ends as long as this pursuit does not offend the equal liberty of others to do the same. The argument for this view holds that a person's choice and pursuit of ends has intrinsic value which cannot be overridden simply by considerations of the social good; instead, we are to respect persons as autonomous agents who are not to be made subject to the will of another unless an appropriate justification, itself related to the preservation of a maximal system of equal liberties, can be supplied.

Reading "states" for "persons" in the last paragraph gives a reasonably close reconstruction of Wolff's argument for nonintervention. Indeed, several contemporary writers put the argument for nonintervention in similar terms.²⁰ However, the argument can be no more than suggestive until we probe further into the analogy of persons and states. In particular, we must ask under what conditions it makes sense to think that states have a right to be respected as sources of ends in the same way as do persons. What is the moral content of the right of state autonomy?

One view is that states have such a right under all conditions. Like persons, states might be conceived as moral beings which are organic wholes with the capacity to realize their nature in the choice and pursuit of ends.²¹ Here Wolff's analogy is at its strongest, but it is difficult to know what to make of the idea of the state as a moral being analogous to the person. After all, states qua states do not think or will or act in pursuit of ends; only people (or perhaps sentient beings), alone or in groups, do these things. Unless some independent sense can be given to the idea of the state as a moral agent, this view cannot be very persuasive.

The state might be given a moral character by constructing

²⁰ See, for example, S. I. Benn and R. S. Peters, *The Principles of Political Thought*, pp. 429-31; Vincent, *Nonintervention*, p. 345.

²¹ This view derives from Hegel. See *Hegel's Philosophy of Right* [1821], sees. 257-59, pp. 155-60; sees. 321-29, pp. 208-12; sec. 351, p. 219. See also Bernard Bosanquet, *The Philosophical Theory of the State* [1899], chs. 10-11; see esp. pp. 298-99.

its rights and liberties on a foundation of individual rights and liberties. As Michael Walzer writes, "the rights of states rest on the consent of their members." The social contract to which citizens consent is to be understood as a metaphor "for a process of association and mutuality, the ongoing character of which the state claims to protect against external encroachment."²² Thus, the state safeguards more than individual lives and liberties; it also protects its citizens' "shared life and liberty, the independent community they have made."²³ But it is the consent of the individual citizens that provides the underpinnings of the state's autonomy and secures the analogy with individual liberty: "[G]iven a genuine 'contract,' it makes sense to say that the territorial integrity and political sovereignty can be defended in exactly the same way as individual life and liberty."²⁴

Exactly why does the consent of the citizens justify a right of autonomy for their government? One might have something like the following in mind. The principle of state autonomy gives rise to claims by those who speak for a state that the state should not be interfered with in its internal or self-regarding actions. Such interference is a form of coercion, because it involves imposing institutions and policies on people against their will. Thus, it is natural to think that a state's autonomy might be defended in terms of the liberties of persons which would be offended by the exercise of coercion by external agents against domestic political institutions. One might say, following Benn and Peters, that states are "associations of individuals with their own common interests and aspirations, expressed within a common tradition."²⁵ Then the autonomy of states would rest on one aspect of the autonomy of persons, namely, their liberty to associate in pursuit of common ends. State governments should not be interfered with because they are, in fact, representatives of persons exercising their freedom of association. The liberty of states is a consequence of the liberty of persons to associate.

It is important to distinguish between two kinds of appeals

²² Walzer *Just and Unjust Wars*, p. 54.

²³ Ibid.

²⁴ Ibid.

²⁵ Benn and Peters, *Principles*, p. 429.

to freedom of association in assessing arguments of this type. One holds that a condition of the state's moral legitimacy is that it protect the freedom of its citizens to associate.²⁶ The other holds that the state should not be interfered with because it is itself a free association, that is, a group of persons freely associated in the pursuit of common ends. The present argument involves the second kind of appeal to freedom of association,²⁷ and once this is recognized, the difficulty with the argument becomes clear.

The difficulty is familiar and applies to virtually all attempts to justify civil government as a special case of freedom of association. The objection is simply that there are few, if any, governments to which all (or even some) of the governed have actually consented, and therefore that there are few, if any, governments that are in fact free associations. Governments are not like voluntary associations in the sense that people freely organize them, join them, depart from them, and dissolve them, according to the dictates of their desires and interests. Governments are more like a fixed part of the social landscape, into which people are born and within which all but the most fortunate are confined regardless of whether or not they expressly agree to their terms of association.²⁸

But if the institutions of the state are not like free associations in the sense that people can freely join them and depart from them, it still might be said that these institutions derive their legitimacy from periodic reaffirmation of the support of their citizens. Perhaps voting, for example, can be interpreted as an act that implies the voter's consent to his or her political institutions; or, as Locke maintains, perhaps the failure to depart signifies "tacit consent" to the obligation to comply

²⁶ The term "legitimacy" is ambiguous. It might refer to a government's actual standing among its citizens (the "de facto" sense). Or it might refer to the moral standing of a government: roughly, its right to be obeyed (the "de jure" sense). Throughout, I employ the term in the second, *de jure*, sense.

²⁷ As Walzer makes clear in his sympathetic discussion of Mill's view about nonintervention, "We are to treat states as self-determining communities, [Mill] argues, whether or not their internal political arrangements are free." Walzer, *Just and Unjust Wars*, p. 87.

²⁸ See David Hume, "Of the Original Contract" [1748], esp. pp. 456-62; and, more recently, Hanna Pitkin, "Obligation and Consent—I," pp. 990-96.

with one's government.²⁹ It might even be thought that the failure to participate actively in political dissent is a sign of consent.³⁰ Now, in fact, it does not seem that any of these acts (or nonacts) would be sufficient to establish the legitimacy of institutions of government. Political institutions have a deep and pervasive effect on the prospects of people living under them, on their preferences, and on their abilities to act (or not act) on their preferences. In particular, institutions define the processes through which consent can or cannot be expressed and influence the availability of the means necessary to participate in these processes. These institutions themselves stand in need of justification, but such a justification cannot be provided in terms of consent.³¹

These points, taken together, suggest that few, if any, governments can be shown to be morally legitimate by appeal to considerations of actual or tacit consent. Nevertheless, we are prepared to recognize the possibility that some governments might be morally legitimate even though they lack a truly consensual or voluntary foundation. Standards of legitimacy are to be sought elsewhere than in the actual prior agreement of the governed.

These observations are familiar enough in recent discussions of consent theory, and so I shall not pursue them further. What is important is that the weakness of the argument from consent to legitimacy also undermines the argument from consent to autonomy. If domestic governments are nonvoluntary in the sense that they exercise coercive power without the prior and active consent of their members, then violation of a state's autonomy by an external agent cannot be criticized *simply* because it involves the exercise of coercion against persons without their consent. In that case, domestic governments would be subject to a similar criticism, and there would be few, if any, governments that could be regarded as

²⁹ John Locke, *Two Treatises of Government* [1689], II, sees. 119, 121, pp. 365-67.

³⁰ Such a view seems to be implied in Walzer, *Just and Unjust Wars*, pp. 54 and 98.

³¹ For a further discussion of these points, see A. John Simmons, "Tacit Consent and Political Obligation," esp. pp. 278-88.

legitimate. But this is a position that few would be inclined to accept, since we are likely to believe that some governments that are not genuine voluntary associations (and the legitimacy of which therefore is not based on the expressed consent of their members) might be legitimate nonetheless. This reasoning produces a dilemma for the view of state autonomy outlined above: if legitimate domestic governments exercise coercive power over their own citizens without their consent, and if illegitimate violations of autonomy by external agents might be described in precisely the same way, how can one form of coercion be distinguished from the other?

Once the view that civil government is a special case of freedom of association is abandoned, one must recognize that government inevitably involves the use of coercion without the consent of those against whom it is used. Thus, to distinguish the coercion resulting from external interference from that resulting from the ordinary operations of government, one needs an account of the conditions that make it possible for us to regard the latter as legitimate. This is the truth that remains from the attempt to link autonomy and legitimacy after the philosophical difficulties of theories of legitimacy based on actual or tacit consent are cleared away. But if actual and tacit consent are not, in most cases, appropriate conditions of legitimacy, it remains to ask, what is? A plausible approach to this question is through the idea of a hypothetical contract: a government is legitimate if it *would be* consented to by rational persons subject to its rule. This is merely an alternative way of understanding the idea of an original contract as the mechanism for justifying principles of justice.³² Then the argument against interference is that it violates principles that would be consented to by rational citizens as expressing the terms of their association. One might say that the analogue of the moral autonomy of persons, at the level of states, is a state's conformity with appropriate principles of

³² Obviously, much more needs to be said to work out the details of a hypothetical-contract approach to the derivation of principles of social justice, but since nothing in what follows depends on our adopting any particular version of the contract doctrine, I shall not pursue this matter here.

domestic justice.³³ The autonomy of states is the outer face of their legitimacy.

This may seem implausible for reasons related to the analogy of states and persons. I have claimed that only states whose institutions satisfy appropriate principles of justice can legitimately demand to be respected as autonomous sources of ends. But surely I would not restrict the set of persons who can demand respect as sources of ends in an analogous manner. For example, one would not want to argue that only the righteous, the virtuous, or the psychologically well integrated should be respected as autonomous beings. That such considerations can seem to undermine the view of state autonomy sketched above illustrates how deeply the analogy of states and persons has penetrated our perceptions of the state, and at what cost. In fact, my argument has been that it is *because* all persons should be respected as sources of ends that we should not allow all states to claim a right of autonomy. Assuming that it is part of the justice of institutions that they treat their members in some sense as autonomous persons, then the claim that unjust states should not be accorded the respect demanded by the principle of state autonomy follows from the claim that it is only considerations of personal autonomy, appropriately interpreted, that constitute the moral personality of the state. This is not so implausible after all, if one keeps in mind that states, unlike persons, lack the unity of consciousness and the rational will that constitute the identity of persons. If states are not simply voluntary associations, neither are they organic wholes with the unity and integrity that attaches to persons *qua* persons. It should come as no surprise that this lack of analogy leads to a lack of analogy on the matter of autonomy.

My account of state autonomy might provide some warrant for interference in another state's affairs when the state's institutions are unjust according to appropriate principles of justice and the interference would promote the development

³³ I say "appropriate principles of justice" to suggest that it is possible that different principles of justice may apply to different types of societies in view of variations, e.g., in levels of socioeconomic development.

of a just domestic constitution within the state. This position may be like that taken by Kant and, to a lesser extent, by Mill. In *Perpetual Peace*, Kant lists the nonintervention principle as a "preliminary article" and gives arguments based on respect for a state's internal decision-making process and considerations of international stability. But he states as a "definitive [and presumably more basic] article" the principle that "the civil constitution of every state shall be republican."³⁴ Several commentators interpret him as holding that the nonintervention rule does not apply to forms of intervention that might promote or defend the development or survival of republican forms of government.³⁵ Similarly, Mill claims in "A Few Words on Non-intervention" and in "Vindication of the French Revolution of February, 1848" that intervention is legitimate when it is for the benefit of "nations which are still barbarous" or in support of a free people "struggling against a foreign yoke."³⁶

This position might seem so implausible as to cast doubt on the account of autonomy of which it is a consequence. The recent history of international relations appears to teach nothing so eloquently as the folly of intervention in the cause of justice.³⁷ I shall argue in the following section that there are considerations that weigh against interference even with governments that are unjust. For the present, however, one should note that "the perils of reform intervention" need not undermine the view of autonomy sketched above. It does not

³⁴ Immanuel Kant, *Perpetual Peace* [1795], pp. 96 and 99.

³⁵ See, for example, Karl Loewenstein, *Political Reconstruction*, pp. 18-20; Carl J. Friedrich, *Inevitable Peace*, p. 178. As an exegetical matter, this interpretation seems to me tenuous, although perhaps the claim is philosophically correct nonetheless. One must understand Kant's views on political change in light of his view of history, and from this perspective it seems more likely that he would have thought republican government would emerge through domestic conflict—"an independent state . . . struggling with its internal ills" (*Perpetual Peace*, p. 96)—than through external intervention. What is incontestable is that he nowhere makes any explicit claim regarding the priority of republicanism over nonintervention.

³⁶ John Stuart Mill, "A Few Words on Non-intervention" [1859], pp. 167 and 176; "Vindication of the French Revolution of February, 1848" [1849], pp. 382-83.

³⁷ As Ernest W. Lefever argues in "The Perils of Reform Intervention."

necessarily follow from the morally objectionable results of recent examples of interventionary diplomacy that all interference in unjust states is morally wrong. An alternative interpretation would be that interference has been guided by inappropriate principles, or that appropriate principles have been incorrectly applied, or both. It seems likely that the main objections to a general permission to intervene in the cause of justice are practical rather than theoretical in the sense that they hold such intervention, in practice, to be difficult to calculate and control. I explore these possibilities in the following section.

2. Nonintervention, Paternalism, and Neutrality

THERE are three main arguments for a general prohibition of intervention in international relations. The first, considered above, draws on the idea that states, like persons, have a right to be respected as autonomous sources of ends. However, as I have suggested, a state's claim to autonomy in this sense rests on the conformity of its institutions with appropriate principles of justice. If this were the only basis for the principle of nonintervention, its scope would be reduced considerably since it would only apply to just states. The argument from autonomy suggests that interference in an unjust state's affairs might be justified when it would promote the development of a just domestic constitution in the state.

Two further arguments for the nonintervention principle apply—though, as I shall claim, not always decisively—to circumstances in which neither personal liberties nor just institutions would be protected by observance of the nonintervention standard. These arguments carry further the analogy of nonintervention and respect for individual liberty. To the extent that these arguments are successful, the scope of the nonintervention rule is broader than that of the principle of state autonomy as reinterpreted above.

One of these is analogous to Mill's argument against pater-

nalism in *On Liberty*. There Mill claims that government is not justified in interfering with a person's self-regarding behavior even when it appears that the person, if left alone, is likely to act in ways that would not be good for him. The reason is that the individual is in a better position than anyone else, and certainly than any government, to determine his own interests. Although he might be wrong in particular cases, the adverse consequences of a general permission to interfere on paternalistic grounds would far outweigh the potential benefits.³⁸ A similar argument has been made for the nonintervention principle by Benn and Peters and by Vincent. They have claimed that intervention in a state's internal affairs cannot be justified on paternalistic grounds because the intervening state is unlikely to be impartial and because, in any event, a state is more likely to know its own best interests than any other state.³⁹ Thus, "[t]he duty of non-interference rests on the assumption that the claims of a state's members will generally be better served if they are left to work out their own salvation."⁴⁰

The crucial element here is that the assumption involved is empirical. Like the analogous claim in Mill's argument against paternalism, it is a contingent matter whether a state is in a better position than any other state to assess its members' interests and resolve their claims. Mill's claim against paternalism seems highly plausible once the exceptions he mentions (children, the "uncultivated") are taken into account. Indeed, it is plausible even in some of the exceptional cases. But it is less clear that the assumption about governments is empirically plausible, or rather, that it is plausible in enough cases to warrant a general prohibition of interference.⁴¹ On

³⁸ John Stuart Mill, *On Liberty* [1859], ch. 4, p. 277.

³⁹ Benn and Peters, *Principles*, pp. 429-30; Vincent, *Nonintervention*, p. 345. The argument generalizes a claim made by Mill with regard to intervention in internal wars in "civilized" states. See "Non-intervention," pp. 173-74.

⁴⁰ Benn and Peters, *Principles*, p. 431.

⁴¹ A similar reply might be made to Vincent's claim (*Nonintervention*, p. 330) that respect for sovereignty is required to protect the security of life, sanctity of contracts, and stability of property presumably provided to individuals by states. It is not at all obvious that states always or usually succeed in fulfilling these goals, much less that they do so fairly for all of their citizens. It is not

the other hand, experience would seem to support the assumption that governments are seldom impartial and hence would be unlikely to make correct judgments about the interests of people on whose behalf they claim to be intervening. But this leaves open the possibility that intervention could be justified when there are good reasons for thinking that a correct judgment has been reached.⁴² Another possibility is that of intervention under the auspices of an international organization (like the U.N.), which might not (I do not say, *will* not) be subject to the partiality that characterizes the decisions of particular governments.⁴³ For these reasons, antipaternalist arguments are less decisive in the nonintervention case than in the analogous case of individual liberty.

A sophisticated variation of the antipaternalist argument is found in Mill's essay on nonintervention and has recently been elaborated by Walzer. Mill argues against intervention even in states that lack free institutions on the ground that peoples must achieve freedom for themselves; only thus can they develop "the virtues needful for maintaining freedom."⁴⁴ Invoking the analogy of states and persons, Walzer claims that "the members of a political community must seek their own freedom, just as the individual must cultivate his own virtue."⁴⁵ Intervention would only be justified to offset other external interference with the process of political development through which free institutions either are or are not successfully established.

This version of the antipaternalist argument brings in a theory of political development to explain why, as Benn and Peters put it, "the claims of a state's members will generally be better served if they are left to work out their own salvation." But it does not thereby defeat the objection noted above; the

even obvious that they should fulfill these goals, e.g., when their internal arrangements are in other respects unjust.

⁴² As Manfred Halpern, for example, suggests in pointing out the importance of "knowledge" in making decisions about intervention. See *The Morality and Politics of Intervention*, pp. 14-20.

⁴³ See further, Falk, "On Legislative Intervention by the United Nations . . .," *Legal Order in a Violent World*, pp. 349-52.

⁴⁴ Mill, "Non-intervention," p. 175.

⁴⁵ Walzer, *Just and Unjust Wars*, p. 87.

explanation still involves an empirical assumption that requires substantiation. Mill thought that substantiation might be drawn from the experience of European states, and, as I have noted, he exempts from the scope of his nonintervention principle "nations which are still barbarous." The limitations of his evidence and the exemption of many non-European states reduce considerably the plausibility of his claim as part of a general argument against intervention. Walzer does not offer any evidence to support his generalization and in fact falls back on a quite different argument from state autonomy.⁴⁶

Even if its empirical assumptions could be substantiated, the Mill-Walzer view would fail to support a generalized prohibition of intervention for another reason. The view concentrates on the establishment of free institutions and holds that intervention to promote this end is likely to be either ineffectual or superfluous. It leaves open other paternalistic justifications for intervention, of which many can be imagined, ranging from satisfaction of a population's basic material needs to establishment of a government committed to supporting one or another type of economic system. Either of these reasons for intervention might be comprehended by principles of social justice appropriate to the state involved and so might be permitted by the conception of state autonomy that I have proposed. Of course, this objection might be met by reformulating the Mill-Walzer view in terms of social justice rather than political freedom; then the view would be that people must be left free to seek justice for themselves because just institutions are likely to endure only when they have been struggled for by those who will live under their sway. But this reformulation would require an even more demanding empirical theory of political development, and such a theory would probably be even more difficult to substantiate than the theory on which Mill and Walzer actually rely.

Finally, it should be noted that the view allows an exception in case the development of a state is already being interfered with. (This exception is the basis of Walzer's argument for the

⁴⁶ Ibid., pp. 87-88.

permissibility of counterintervention and of intervention in support of secessionist movements "once they have demonstrated their representative character.")⁴⁷ The argument for the exception depends upon a distinction between internal and external (or domestic and foreign) agents of political change; internal agents, as compatriots, are not to be interfered with, but external agents, as foreigners, may become subject to counterintervention since they are themselves interfering with a domestic process of change. However, this distinction loses its moral significance if my argument against the consensual basis of autonomy is accepted, for then there would be no difference in principle between coercion by internal agents and by external ones. This point aside, in a world characterized by high levels of political and economic interdependence, one wonders whether there can be any pure cases of domestic political change, untouched by significant external influences. The exceptions are likely to overwhelm any generalized prohibition of intervention based on the importance of allowing peoples to work out their own salvation. For these reasons, Mill's and Walzer's more sophisticated versions of the antipaternalist argument against intervention do not appear to lend much additional strength to it.

A third argument is suggested by Hall's proposal for a neutral nonintervention standard governing intervention in internal war.⁴⁸ The virtue of such a standard is that it is impartial between competing conceptions of the political good in internal wars. Following Hall's argument, we might say that the virtue of a generalized nonintervention principle is its impartiality between competing conceptions of the good in international relations. As Vincent puts it, in a legal context, "if the principle of nonintervention is taken as a part of law which is law, however weak, its impartiality between contending political doctrines might be said to recommend it as a legal norm."⁴⁹ The nonintervention standard is similar in this re-

⁴⁷ Ibid., p. 108; see also pp. 91-101.

⁴⁸ William E. Hall, *International Law* [1880], p. 347. For a more recent discussion, see Wolfgang Friedmann, "Intervention, Civil War and the Role of International Law," p. 158.

⁴⁹ Vincent, *Nonintervention*, p. 386; compare p. 344.

spect to "neutral" principles of constitutional interpretation, which can be endorsed in a wide variety of cases without regard for the outcome of any particular one.⁵⁰ It might be noted, to continue the analogy with individual liberty, that the equal-liberty principle has also been said to be neutral in the sense that it allows persons to pursue their own conceptions of the good without requiring them to subordinate their aims to considerations of social utility or of any particular social ideal.⁵¹

My interest is in whether this sort of impartiality recommends the nonintervention principle as a basic moral principle of international relations, independently of various other arguments that might be given for it. Is it really a neutral principle at all? The test of a principle's neutrality is whether reasonable persons would endorse it as the basis for resolving the relevant conflicts without regard for the outcomes that the principle would produce in any particular dispute. The legal principle that the accused is assumed innocent until proven guilty, for example, is neutral because it is reasonable to endorse it for all criminal cases, regardless of the consequences of observing it in any particular trial. Now it is not obvious that nonintervention is neutral in this way. If one seriously believed that God ordained a universal church to rule the world in His name, or that persons possess certain rights that no government may permissibly infringe, or that a universal conception of justice requires governments to conduct their internal affairs according to a specific set of rules, then one would not endorse nonintervention as the most basic principle of international relations. My point is not that these hypothetical beliefs embarrass the nonintervention principle, but rather that nonintervention is not, as Vincent puts it, an "amoral" principle.⁵² It is rooted in a substantive

⁵⁰ The canonical formulation of this view of constitutional principles is Herbert Wechsler, "Toward Neutral Principles of Constitutional Law," pp. 1-35.

⁵¹ This reasoning is the source of one of Rawls's arguments for his first principle of justice. See *A Theory of Justice*, pp. 205-11.

⁵² Vincent, *Nonintervention*, p. 344. "Impartial" would have been a more appropriate term.

conception of how the world should be arranged of which a necessary element is the belief that there is no "coherent and pervasive morality which transcends international frontiers and which might then inform and justify particular acts of intervention."⁵³ To one who holds a conflicting belief, the nonintervention principle would not be a neutral principle at all. Its apparent impartiality does not provide a reason for endorsing it independently of whatever can be said for the substantive conception on which it rests.⁵⁴

An analogous objection is often advanced with regard to a similar argument for equal liberty. It is claimed that the equal-liberty principle would seem nonneutral to a person whose most deeply held beliefs entailed that certain actions protected by the liberty principle should not be permitted to take place. The true believer, for example, would not accept as neutral a principle protecting religious liberty.⁵⁵ However, the objection to equal liberty as an impartial principle differs from the analogous objection to nonintervention in the following way. Despite its nonneutrality from the point of view of, for example, a true believer, the equal-liberty principle might be defended by showing that it is required to protect the pursuit of self-determined ends by autonomous agents, which is itself a central feature of an ideal of social life that is based on the criterion of respect for persons. This criterion, we may suppose, has strong independent support. But such a defense would be of little help in the analogous case of nonintervention. As we have already seen, arguments for nonintervention by analogy with respect for persons fall far short of what would be required to support a general prohibition of intervention, because there are many states in which it is simply false that the state's institutions conform to appropriate principles of justice.

This discussion suggests that an exceptionless noninterven-

⁵³ Ibid., pp. 345-46.

⁵⁴ As I argue below, I believe that there are principles of international justice that require us to regard the nonintervention rule as nonneutral in the sense given above.

⁵⁵ See Gerald Dworkin's criticism of Rawls's view in "Non-neutral Principles," pp. 501-6.

tion principle cannot be supported by arguments analogous to those usually given for the principle of equal liberty in domestic society, despite the striking, though superficial, similarity between the functions of these principles in their respective realms. The most that can be said is that considerations analogous to those that support the equal-liberty principle protect against intervention those states whose institutions conform to appropriate principles of justice and those whose institutions are more likely to become just in the absence of outside interference than with outside assistance.

There remains a potentially large class of states that are not directly protected against intervention by the view sketched above. These are states that are unjust according to the appropriate principles of justice and that are unlikely to become just if, in Benn and Peters's words, their members are "left to work out their own salvation." The view advanced above imposes limits on the range and types of intervention that can be considered permissible even in these cases. First, and most important, a certain type of justification must be available for intervention in the affairs of such a state. Specifically, the justification must appeal to the likelihood that intervention will (on balance) promote the development of conditions in which appropriate principles of justice can be satisfied. Second, there must be some assurance that the decision to intervene is taken with adequate information and safeguards against self-serving activities by the intervening party. This is especially important in view of the difficulties of formulating principles of justice appropriate to societies whose socioeconomic and cultural characteristics differ significantly from those of the societies to which western theories of justice are typically addressed. In contemporary international politics, adequate assurance may be available only when intervention has the approval of fairly constituted international bodies, although one ought not to assume that existing international organizations are so constituted. These limits to intervention are consequences of the view of nonintervention sketched above.

There are, of course, a variety of other considerations that place limits on the forms and purposes of permissible inter-

vention just as they would on many other types of political action. Thus, depending upon one's view of the moral legitimacy of violence as an instrument of political change, some or all uses of military force for interventionary purposes would be ruled out. Also, even if some contemplated act of intervention were permissible under the nonintervention principle—perhaps, for example, the use of nonviolent techniques by a U.N. force against a racist regime—it might be that the costs of such an action, either to the intervenor or to the international community, would outweigh its probable benefits. Within the limits set by the nonintervention principle, there is likely to be considerable latitude for this type of balancing. Thus, even if intervention would be permissible according to autonomy criteria, it might be inappropriate for other reasons. My critique of the idea of state autonomy implies that there are circumstances in which intervention might be morally permissible, but it does not imply that such intervention is always morally required.

This discussion helps to explain the disagreement about definitions of intervention noted at the outset. The disagreement is the result of attempting to define intervention coextensively with the range of actions prohibited by the nonintervention principle. However, if my account of the moral basis of nonintervention is correct, this range varies according to the justice of the institutions of the state that is the target of external action. When the target state is just, or is likely to become just if left free from external interference, the prohibition of intervention is based on respect for the rights of persons to associate in the pursuit of common ends, or to live in just regimes (provided that they do not infringe on the rights of others to do the same). In this class of cases, the relevant sense of intervention is very broad. It extends to any activity that interferes with the legitimate exercise of these rights and is not limited, as is the narrow definition, to coercive interference by one government in the affairs of another with the intention of altering its constitutional structure. Thus, the nonintervention principle prohibits any use of power that interferes with the normal decision-making procedures of a

state that is a member of this class. Presumably this includes subversion, payoffs to government officials, conditional bilateral aid, and similar techniques of influence.⁵⁶

On the other hand, if the target state is neither just nor likely to become just if left to its own devices, the situation is more complicated. Interference would be permissible on three conditions. First, it must meet the standards noted above (i.e., promote justice and be carried out with adequate information and assurances against self-serving actions by the intervening agent). Second, it must not run afoul of other relevant moral restraints on political action. Third, it must not be too costly in terms of the other goals of international politics. Since these conditions might be met or not met in a great variety of ways, it does not seem possible simply to enumerate the kinds of actions forbidden by the nonintervention principle with respect to unjust states. The definitional issue will persist as long as it is maintained that whatever counts as intervention must be *impermissible* interference.

3. Self-determination

CONCEPTS of liberty are sometimes divided into "negative" and "positive" varieties. While the distinction is open to criticism, it suggests an analogous distinction with respect to the ideal of state autonomy. The negative aspect of state autonomy is expressed by the principle of nonintervention, which protects the right of a state already recognized as independent "to choose its political, economic, social and cultural systems, without interference in any form by another State."⁵⁷ The positive aspect of state autonomy is expressed by the principle of self-determination, which holds that colonies or

⁵⁶ The specific features of the appropriate definition may vary somewhat from case to case. There is a further discussion in Thomas and Thomas, *Non-intervention*, pp. 68-69.

⁵⁷ General Assembly Resolution 2,131 (XX), 21 December 1965. United Nations General Assembly, *Official Records: Twentieth Session*, Supp. no. 14 (A/6,014) (New York, 1966), p. 12.

other entities under foreign control have a right to independent statehood.

The difference between these two aspects of state autonomy is that nonintervention imposes a negative requirement that other states not interfere, while self-determination imposes a positive requirement that other states (here, specifically, the colonial or dominant power) stop exercising control over entities claiming the right to be allowed independent statehood.⁵⁸ Nonintervention is a conservative principle in the sense that its observance tends to preserve the structure of the international order against all nonconsensual changes. Self-determination, however, requires that the structure of the international order be changed and might support intervention by third parties in a group's struggle for independence from foreign rule. While nonintervention takes the political order as it is, self-determination looks behind the political order to the order of social (cultural, ethnic, linguistic) groups and supports efforts to bring political boundaries into alignment with boundaries between groups. Thus, rather than reinforcing each other, the principles of self-determination and of nonintervention may conflict.

Self-determination is one of the most important and most obscure principles of contemporary international law and practice. The principle is important as the justification of the most far-reaching political realignments in recent international history, those associated with the collapse of imperialism and the post-World War II movement toward colonial independence. As a result, the principle has rapidly been accepted as a main principle of international law. The concept is twice mentioned in the United Nations Charter (articles 2[4] and 55) and is cited as authority for the General Assembly's call for "the granting of independence to colonial countries and peoples" in Resolution 1,514 (XX) of 14 December 1960.⁵⁹ In the last fifteen years, the General Assembly has

⁵⁸ This difference is sometimes put in terms of a distinction between "internal" and "external" self-determination, where internal self-determination refers to nonintervention. See Rupert Emerson, "Self-Determination," pp. 465-66.

⁵⁹ "All peoples have the right to self-determination; by virtue of that right

reaffirmed this call almost annually, each time citing the principle of self-determination as if it were a self-evident first principle.⁶⁰

While self-determination derives its importance from its role in the justification of colonial independence, it derives its obscurity from attempts to use it to justify other international realignments. In the mid-nineteenth century, the principle was formulated (e.g., by Mazzini) to justify the unification of such fragmented nations as Italy and Germany. Early in the twentieth century, it was appealed to by Woodrow Wilson, among others, in negotiations over the post-World War I boundaries in Europe and the settlement of colonial claims.⁶¹ Lenin relied on the principle to promote opposition to colonial regimes, and in his polemic with Bukharin, Luxemburg, and others to characterize nationalism as a revolutionary force in the age of imperialism.⁶² More recently, the principle has been invoked in support of the struggles of oppressed racial majorities (in Rhodesia and South Africa) for self-rule. It has been appealed to in criticism of the effects on poor countries of private foreign investment and multinational corpo-

they freely determine their political status and freely pursue their economic, social and cultural development." United Nations General Assembly, *Official Records: Fifteenth Session*, Supp. no. 16 (A/4,684) (New York, 1961), p. 67.

⁶⁰ The most important recent statement of "the principle of equal rights and self-determination of peoples" is in the "Declaration . . . concerning Friendly Relations and Co-operation among States." Annex to Resolution 2,625(XXV), 24 October 1970. United Nations General Assembly, *Official Records: Twenty-fifth Session*, Supp. no. 28 (A/8,028) (New York, 1971), pp. 123-24. For more detailed discussions of the recent career of the principle in United Nations practice, see Rosalyn Higgins, *The Development of International Law through the Political Organs of the United Nations*, pp. 90-106; and Emerson, "Self-Determination," pp. 459-75. There is a skeptical view of the principle's status in international law in Leo Gross, "The Right of Self-Determination in International Law."

⁶¹ See, for example, Alfred Cobban, *The Nation State and National Self-determination*, pp. 52-53. Unfortunately, Wilson never managed to formulate the principle very clearly or to explore the possible difficulties in its application.

⁶² V. I. Lenin, "The Socialist Revolution and the Right of Nations to Self-Determination," pp. 153-54. See also Stephen F. Cohen, *Bukharin and the Bolshevik Revolution*, pp. 34-38.

rate activity. What may become another period of international realignment has been signaled by the demands of racial and cultural minorities within established states for recognition as independent peoples under this principle.

As the diversity of appeals to self-determination suggests, the principle can be interpreted in a variety of ways. Indeed, it has become so flexible a rhetorical device that some might think it to have lost its moral content. Although, as I shall argue, such a conclusion would be extreme, the principle as stated above is ambiguous in at least three important ways, all illustrated by the various appeals to it mentioned. First, it is not clear whether the "self" in "self-determination" refers to the government or to the population of a group. Does the principle simply require the creation of an independent government among a previously dependent group, or does it require, in addition, that the new government be "self-government," i.e., institutionally responsible to its people? A second ambiguity concerns the identities of groups eligible to claim a right of self-determination. Standard applications of the principle involve colonial populations with memberships that are, in some sense, already established; but why should the scope of the principle be so restricted? Finally, one might wonder what kind of "independence" would satisfy the principle. Is the severing of legal bonds sufficient, or does the principle also require dissolution of the economic and social relationships that may permit foreigners to continue to exert influence inside the colonized area even after formal independence has been achieved?

These are the philosophical perplexities that any account of the moral basis of self-determination should address. I shall attempt to do so by beginning with standard cases of colonial self-determination, and asking whether and to what extent the moral arguments in those cases shed light on the ambiguities distinguished above. My overall concern is to see how our common-sense understanding of self-determination is affected by my earlier criticisms of the idea of state autonomy.

Perhaps the most obvious justification of self-determination follows from the *prima facie* impermissibility of governing

people without their consent.⁶³ Arguments of this variety hold that the state legitimately exercises coercive power over its members only if they have previously consented to their terms of association. Thus, colonial rule, which is seldom consensual, is illegitimate and must give way to a form of government to which the governed have agreed. On this view, self-determination is merely a special case of freedom of association; to deny a group this right is to infringe what is widely thought to be a fundamental personal liberty.

I have considered the inadequacies of freedom of association as the basis of governmental legitimacy in my discussion of nonintervention. I argued that there are few, if any, governments that can be described accurately as free associations in the sense of actually having been consented to by all of their citizens. Nevertheless, we are prepared to regard non-voluntary political institutions as legitimate provided they conform to appropriate principles of justice. These considerations undermine the argument for self-determination in the following way. If government in general need not be based on consent, then colonial rule cannot be opposed simply because it is not based on consent. The successor governments to colonial ones—that is, the indigenous governments that take over after colonies gain their independence—will be as arbitrary as the colonial governments themselves in the sense that neither can be justified by considerations of consent. Mill pictured self-determination as liberation from repressive foreign "yokes" imposed on people without their consent.⁶⁴ But if successor governments are similarly nonconsensual, one might wonder what makes a domestic yoke more acceptable than a foreign one.

A possible response would be that colonial independence is usually marked by plebiscites, free elections of government officials, and the like. One might say that such measures of consent provide a justification of claims for self-determina-

⁶³ Mill justified his principle of national self-determination on similar grounds, among others: "[T]he question of government ought to be decided by the governed." *Considerations on Representative Government* [1861], ch. 16, p. 547. See also John Plamenatz, *On Alien Rule and Self-Government*, p. 1.

⁶⁴ Mill, "Non-intervention," p. 176.

tion in two ways. First, they express a desire for independence that deserves respect regardless of the justice of colonial arrangements. Persons have a right to withdraw from the political institutions of which they are members even when the institutions are perfectly just, provided, at least, that their particular outstanding obligations have been satisfied. Second, consent to new institutions expressed through these devices provides the institutions with some measure of legitimacy even if they do not conform to appropriate principles of justice. Unjust institutions may carry out policies that are actually favored by the vast bulk of a population, and it may well be the case that postcolonial governments, even when they are no more just than colonial ones, are preferable for this reason.

This response is unsatisfactory. First, its premise is problematic. While such measures of consent as plebiscites and free elections of government officials may be typical of the achievement of colonial independence, they are not present in all such cases. Consider, for example, cases in which it is institutionally impossible to conduct free and fair elections but claims of a right to self-determination are pressed by revolutionary leaders on behalf of the population of a colony. Even in the absence of a majority's expressed desire for independence, such claims sometimes seem to be justifiable. If this is correct, majority consent to colonial independence is not *necessary* to justify claims of a right to self-determination pressed on behalf of a colony's population. Furthermore, majority consent does not seem *sufficient* to justify such claims. As I pointed out above, the institutions through which consent is expressed are themselves in need of justification. Furthermore, in most cases of colonial self-determination, there will probably be minorities who do not give their consent to the new arrangements, either because they oppose independence altogether or because they favor a different postcolonial government than that supported by the majority. The independent government requires a justification against the competing preferences of such minorities, but such a justification cannot be provided in terms of consent. The independent government also requires a justification from the point of

view of others who are nonvoluntarily subject to its control, like succeeding generations of citizens, children, the illiterate, and those who are simply too apolitical to care. In all of these cases, the majority's expressed desire for independence is not sufficient to justify its claim for self-determination. Something more needs to be said.

Although the argument from consent to self-determination is inadequate as given above, it suggests the direction in which to look for a more satisfactory account. As in the case of non-intervention, we might formulate the argument in terms of hypothetical consent. Then the argument for self-determination is that colonial rule violates principles of justice that would be agreed to by rational citizens of the colony as expressing the terms of their association, and independence is required to remedy the injustices of colonial rule. Perhaps one principle that would be chosen is a principle of representative self-government: legitimate governments must include mechanisms that make government officials electorally responsible to their citizens. If such a principle would be chosen, then colonial rule almost always would be illegitimate since, almost always, it violates the principle of representative self-government. Thus majority consent might be taken into account as part of a broader doctrine of political legitimacy. But the principle of representative self-government is probably not the only principle that would be agreed to—another would be some sort of principle of just distribution—and perhaps it would not be agreed to at all. It is at least conceivable that representative institutions would be limited in their scope because of the demands of rapid and equitable economic development or the constraints of low levels of education and primitive systems of mass communication.⁶⁵ In any event, this reformulation of the argument for self-determination as a remedy for injustice helps to explain the fact that self-determination has been appealed to by those suffering a wide variety of perceived injustices. The claim may

⁶⁵ I do not mean to take a position here on the choice of principles for groups characterized by low levels of development or of well-being. I claim only that it is not obvious that all legitimate governments must include representative institutions in the sense familiar to liberal theory.

be as firmly justified on grounds of exploitation and distributive inequity as it is, on the more conventional interpretation, on grounds of an absence of representative institutions.

The idea that self-determination is a means for promoting conformity with principles that would be agreed to in a hypothetical social contract is supported by an analysis of the moral considerations underlying the foremost arguments of the apologists for imperialism and their critics. It has often been claimed that subject peoples must be prepared for political independence before being granted it. Perhaps Mill's formulation of this claim is the most famous: "[N]ations which are still barbarous have not got beyond the period during which it is likely to be for their benefit that they should be conquered and held in subjection by foreigners. Independence and nationality, so essential to the due growth and development of a people further advanced in improvement, are generally impediments to theirs."⁶⁶ Mill's view is an example of the more general position that colonialism is justified by its beneficial effects on subject peoples. Thus, for example, Disraeli defended military coercion of subject peoples on the ground that only British rule could provide "order and justice" and that these were good things for any political community,⁶⁷ and Marx thought that imperialism would lay the groundwork for economic and social modernization.⁶⁸ These justifications of colonialism implicitly hold that its effects are in the interests of the subject groups.

Today, such justifications are widely rejected. While one reason is that the effects of imperialism are more clearly understood, it is more interesting for present purposes to see what moral considerations are involved in the rejection of

⁶⁶ Mill, "Non-intervention," p. 167. It is worth noting that the General Assembly's "Declaration on the Granting of Independence to Colonial Countries and Peoples" specifically rules out such a justification for the continuance of colonial control. Resolution 1,514 (XV), 14 December 1960. *Official Records: Fifteenth Session*, Supp. no. 16 (A/4,684) (New York, 1961), p. 67.

⁶⁷ Speech to the House of Lords, 8 April 1878, quoted in Richard Koebner and Helmut Dan Schmidt, *Imperialism: The Story and Significance of a Political Word, 1840-1960*, pp. 136-37.

⁶⁸ Karl Marx, "The Future Results of British Rule in India" [1853].

these justifications of colonialism. In this regard, the main problem has to do with identifying the interests of subject groups in the absence of a fair social-decision procedure that would make them manifest. When a group is unable to make important choices for itself (because it lacks appropriate institutions), and when others are in a position to choose for it, how should the choices be made?

This is a typical problem of paternalism.⁶⁹ Some principle is needed for identifying those benefits or burdens that can permissibly be imposed on persons who are unable to give their consent to the imposition. A rough approximation of such a principle is that only benefits the recipients are unable to provide for themselves, but that they would rationally choose to have provided, if they were in a position to choose, should fall into this class.⁷⁰ Thus, two questions are relevant to the evaluation of the view that colonialism is justified by its beneficial effects on subject peoples. First, are the benefits a subject group might derive from alien rule such that they would be rationally agreed to by members of the subject group if they were in a position to choose for themselves? Second, would they agree to alien rule as the best way to secure these benefits (that is, would the cost involved be acceptable to them)?

If the potential benefits of colonial rule are described in a suitably general way as provision of social infrastructure, agricultural development, education and technology, and so on, it seems relatively uncontroversial that rational members of subject groups would choose them (although there might be disagreement about the *form* in which these benefits should be provided) because these benefits are necessary for the improvement of living standards and the development of a capacity to sustain these improvements for subsequent generations. Some degree of socioeconomic development might also be necessary, as Mill claims, as a precondition of effective self-government. Perhaps this would not have been so two or

⁶⁹ The connection of imperialism with paternalism is discussed clearly by J. A. Hobson in his seminal, and still valuable, book, *Imperialism: A Study* [1902], pp. 228-32.

⁷⁰ Here I follow Gerald Dworkin, "Paternalism," pp. 119-25.

three centuries ago, but it seems inescapable today.⁷¹ Certainly the demands of colonized areas after the last world war, and of poor countries today, lend support to this supposition. It is the second question—whether the cost of securing these benefits through colonial rule is acceptable—that is the heart of the case against colonialism. The argument usually given is that the colonial policies of the European powers imposed large costs on subject peoples by creating a variety of new social problems, increased distributive inequalities, structural economic distortions, and unbalanced economic growth which may have led, in some cases, to absolute as well as relative deprivation in the lower classes.⁷² Furthermore, it is widely questioned whether colonial rule was more than marginally effective in providing the immediate benefits that have been advanced as its justification. In any event, it is unlikely that colonial policies generally helped prepare subject peoples for self-government; the instability of postcolonial democracies and the frequency of resort to authoritarian rule suggest that the opposite is more nearly the case.⁷³

These claims seem plausible, but it is not necessary to settle the complex empirical issues raised by them here. The important points are that any moral defense or criticism of colonialism along these lines presupposes a principle distinguishing justified from unjustified paternalism, and that a plausible formulation of such a principle draws the distinction with reference to what the persons affected would consent to, if they were in a position to give their consent. If principles of social justice can be viewed as outcomes of a hypothetical social contract, it might be said that the moral argument about the supposed benefits of colonialism is an argument about

⁷¹ See J. Roland Pennock, "Political Development, Political Systems, and Political Goods," pp. 420-26.

⁷² A useful discussion of this broad issue, which is sensitive to the need to take account of the multiple causes of backwardness in ex-colonial areas, is Michael Barratt Brown, *After Imperialism*, esp. pp. 158-86.

⁷³ The question of the causal relevance of colonial conditions to postcolonial authoritarianism in new states has evoked a large empirical literature. As one might expect, findings vary widely with particular historical conditions and assumptions about historical explanation. See, for example, Aristide R. Zolberg, "Military Intervention in the New States of Tropical Africa."

whether, and to what extent, it promotes or impedes the development of just institutions among subject groups. This lends support to the proposal that claims of a right of colonial self-determination should be understood as remedies for social injustice.

In view of my earlier remarks about the arbitrariness of nonconsensual governments, someone might object that colonial regimes and postcolonial (independent) governments could be similar in the sense that neither conforms to the principles of justice that would be chosen by rational members of the group. While colonial rule is usually illegitimate according to these principles, there is no assurance that successor governments will be any more legitimate according to the same principles. Indeed, the historical record provides cases (e.g., that of the South Moluccans in Indonesia) in which the departure of imperialist powers was vocally regretted by members of colonial populations because of the harm they expected to suffer in consequence. Do such possibilities undermine the case for colonial self-determination?

Perhaps it is obvious enough that such an objection is overstated, but it is interesting to see why. The first thing to note is that the objection draws into question the empirical generalization that the granting of independence from colonial rule usually diminishes social injustice, but it does not touch the philosophical claim that self-determination, when it has a justification, should be justified as a remedy for injustice. Beyond this, while it seems unlikely that the generalization is entirely false, it may not be entirely true, either. What is certain is that members of colonized groups have the right to just institutions; whether they have a right of self-determination depends on the extent to which the granting of independence would, in their particular circumstances, help to minimize injustice.⁷⁴ While this seems frequently to have been true, it can only be settled definitely (if it can be settled at all) with reference to particular cases.

⁷⁴ The phrase "help to minimize injustice" is used advisedly. It may be that some cases—perhaps including that of the South Moluccans—require a complicated balancing of injustices avoided by, and those created by, decolonization. Obviously, the best political strategy is one that seeks to minimize overall

A potentially more serious objection to my view of the moral basis of colonial self-determination emerges from the possible conflict of justice and consent. Imagine the following kind of case. Country A is an imperial country, and area B, a territorially distinct area with generally accepted boundaries, is A's colony. Since A is the most benevolent of all possible imperial countries, there is no reason to think that granting independence to B will decrease the amount of social injustice in B; indeed, the opposite seems more likely because of various political and economic complications inside B which we don't need to explain. Nonetheless, the residents of B, in a fair and free election, overwhelmingly indicate their preference for national independence. On my view of self-determination, A should resist, but, intuitively, this seems implausible. Do such possibilities damage the view?

This objection is weaker than it may seem. It simply does not apply to many real world cases, for one or more of the following reasons: the imperial country involved is not as benevolent as the example requires; or, notwithstanding the benevolence of the imperial country, the long-term interests of justice would best be served by allowing the colony to develop an indigenous governing capacity, despite some short-term costs; or, the majority in favor of independence is not really overwhelming, and important problems of minority rights would be created by yielding to demands for the rapid granting of independence. Any of these conditions would diminish the force of the objection, either because the policy favored by the population would actually accord with justice, or because the supposed consent of the population should carry less weight than we assume at first glance.

The only case in which my view would not suffice is the case in which an overwhelming majority of the colonial population expresses a desire for national independence, great injustices would not be done to dissenting minorities, and the other injustices consequent to independence are known to and would be suffered by the majority itself. If all of these conditions

injustice, but it would be silly not to recognize that the elimination of some injustices might give rise to others.

hold, then it is difficult to imagine any reason why the expressed wishes of the population should not take precedence over considerations of social justice. This is a matter about which intuitions differ, but the view that expressed consent takes priority over considerations of institutional justice finds some support in the common-sense idea that apparent wrongs can be legitimized by the actual, informed consent of those who suffer them.⁷⁵

In summary, claims of a right of self-determination, when pressed by or on behalf of residents of a colony, are properly understood as assertions that the granting of independence would help reduce social injustice in the colony. This view avoids the arbitrariness of flat assertions of a fundamental, absolute right of independence (it can always be asked, why is there such a right?) and the possible parochialism of views linking independence to conceptions of representative self-government prevalent in economically developed, western societies. However, the view has the important consequence that the validity of any particular claim of a right of self-determination can only be assessed with the aid of complex empirical considerations together with a theory of social justice appropriate to the group involved. These areas of complexity may help explain why applications of the principle are so congenitally controversial.

At the beginning of this section, I noted three ambiguities that any satisfactory account of the moral basis of self-determination should illuminate. For the first of these—whether self-determination requires self-government inside a former colony as well as the granting of political independence—the solution should now be evident. Self-determination is a means to the end of social justice. Part of the injustice of colonial rule might be that it involves a denial of a right to representative institutions, but whether this is, in fact, the case depends on the contents of the principles of social justice appropriate to particular groups. I have taken no position on the contents of these principles, except to suppose that their contents may vary from group to group (perhaps for reasons of cultural

⁷⁵ For a further discussion, see Michael A. Slote, "Desert, Consent and Justice," esp. pp. 332-36 and 343-47.

value or material circumstance) and that, as a result, we should not simply assume that social justice always requires representative institutions in the sense familiar to liberal political theory. If this supposition is correct, then no definite solution can be given to the first ambiguity that will apply to all cases. A resolution of the ambiguity for any particular case requires an exploration of the substantive requirements of social justice in that case.

There are two other ambiguities—whether self-determination properly applies to groups other than colonial populations, and whether it requires revision of informal (particularly economic) lines of influence as well as severance of formal political bonds. Some light is shed on both problems by my view of the basis of self-determination, but since both problems are complex, I shall discuss them separately in the following sections.

4. Eligibility, Boundaries, and Nationality

IN CONSIDERING only colonial cases, I have taken as given the identities of the groups eligible to assert claims under the principle of self-determination. Following U.N. practice, I have assumed that this question is to be settled independently of the justification of the principle itself.⁷⁶ Now I would like to examine this assumption.

The assumption is problematic because it is not clear why the groups eligible to claim a right of self-determination should be limited to those, like colonial populations, that are already recognized as territorially distinct.⁷⁷ Any plausible view of the justification of such claims will have implications for the question of eligibility, and there is no obvious reason to suppose that the answers will coincide with the often arbi-

⁷⁶ Higgins, *Development of International Law*, pp. 104-5; Vernon Van Dyke, *Human Rights, the United States, and World Community*, pp. 88-89.

⁷⁷ For an argument to this effect, see Stanley French and Andres Gutman, "The Principle of National Self-Determination," p. 140.

trary boundaries actually drawn by imperial powers for their colonies. For example, if self-determination is thought to be based on freedom of association, it seems reasonable to argue that any group that can agree on a constitution could claim a right to political independence under the principle. Or, if self-determination rests on the rights of people who share a common cultural heritage to form their own state, then the principle seems to support separatist movements by cultural minorities. One class of instances of this type—perhaps the most important historically—is made up of those involving claims of "national" groups for independent statehood. Because such claims have seemed especially strong, the fact that state and colonial boundaries often fail to coincide with those of national groups constitutes a major challenge to the assumption that the only entities eligible to claim the right of self-determination are those whose identities are already widely accepted.

One commentator has summarized our problem as follows: "On the surface [self-determination] seemed reasonable: let the people decide. It was in fact ridiculous because the people cannot decide until somebody decides who are the people."⁷⁸ One advantage of the view that the right of self-determination is derived from freedom of association is that it supplies a straightforward solution to this problem: the people should decide who the people are.⁷⁹ This is made plausible by the analogy with voluntary associations whose memberships are determined simply by including only those willing to accept the terms of membership. For convenience, we can say that, on this view, the groups to which self-determination applies are self-defining.

This solution to the eligibility question is the most radical one available. As Rupert Emerson writes: "In its most extreme version the right of self-determination could mean the right of any group of disaffected people to break away at their

⁷⁸ W. Ivor Jennings, *The Approach to Self-Government*, p. 56.

⁷⁹ Compare Mill's remark that "[o]ne hardly knows what any division of the human race should be free to do if not to determine with which of the various collective bodies of human beings they choose to associate themselves." *Considerations on Representative Government*, ch. 16, p. 547.

pleasure from the state to which they presently belong and establish a new state closer to their hearts' desire."⁸⁰ Apparently Emerson means to discredit "the most extreme version" of self-determination simply by exhibiting the possible consequences of its application. He invokes the prospect of sweeping changes in the world's political geography and implies that such changes would be undesirable. Leaving aside the empirical question of whether these changes would actually materialize, it is not clear that they would be undesirable if they did. Even if it is granted that such changes would involve adjustment costs, surely the costs might be justified as the unavoidable result of the exercise of individual rights of freedom of association.

If there is a decisive objection to the idea that groups eligible for self-determination are self-defining, it must lie deeper than this. Perhaps, as French and Gutman suggest, the problem is that application of this idea "is likely to result in conflicting claims. . . . Obviously it is impossible for all populations to determine which other populations they will be associated with."⁸¹ They give the example of French separatism in Canada: some Québécois want an independent state while other Canadians want them to continue as part of a larger federated state.

Does the French and Gutman view count as an objection at all? Suppose that A, B, C, and D are all members of a state. A and B want to secede and establish an independent state, but C and D want to continue the existing arrangements. C and D's desires to the contrary do not seem to diminish A and B's rights to withdraw. At least this seems clear in the general case. Specific features of the parties' mutual relations would have to be brought in to explain why A and B's right to withdraw should be restricted. The general argument would be that A and B have obligations to C and D, and allowing A and B to secede would put them in a position to avoid satisfying their outstanding obligations. Whether this argument seriously restricts A and B's right to secede depends on the char-

⁸⁰ Rupert Emerson, *From Empire to Nation*, pp. 298-99.

⁸¹ French and Gutman, "The Principle of National Self-Determination," pp. 143-44.

acter of the obligations involved. First, if the obligations flow from voluntary undertakings, such as promises, and if the obligations require the performance of specific actions, then A and B could put an end to the validity of C and D's opposing claims by satisfying their obligations. Second, the obligations might flow from A and B's voluntary acceptance of advantages provided by common institutions, such as an education. To the extent that A and B voluntarily acquired advantages from institutions supported by contributions from C and D, it seems plausible that C and D could appropriately demand some sort of reciprocal contribution from A and B as a condition of allowing them to withdraw, but here there are difficult problems about the form and amount of reciprocation that C and D could legitimately expect. In any event, A and B's right to secede would not be extinguished by such obligations, although the cost to them of compliance might make withdrawal seem less desirable. Third, it might seem that A and B could acquire obligations to C and D entirely nonvoluntarily; it might be thought that participation in common institutions that cannot practically be avoided gives rise to obligations to remain within the institutions. But why should this be so? If we grant that compensation is due for advantages voluntarily acquired at the relative expense of others, it is difficult to see how any further argument could be made out for the third category of obligations.⁸² Two conclusions follow from these reflections. First, the right of withdrawal can be limited on the ground that outstanding obligations have not been satisfied only if the obligations have been voluntarily acquired. Second, the satisfaction of these obligations, either by performance or by compensation, puts an end to the validity of the competing claims of other members and leaves the way clear for withdrawal by the secessionist group. In general, if such obligations do not exist or have been satisfied, a self-defined group's right of self-determination is not undermined by the objection that others with whom they previously have been associated prefer to maintain the existing arrangements.

⁸² For a brief, further discussion, see Thomas M. Scanlon, "Liberty, Contract and Contribution," p. 55.

As I noted above, the idea that groups eligible for self-determination are self-defining is made plausible by the analogy with voluntary associations and by the underlying thought that the right of self-determination is a special case of the right of freedom of association. The objections considered so far do not question these presuppositions, and that is why the objections seem unconvincing. Once we notice the crucial difference between voluntary associations and groups claiming a right of self-determination, however, it becomes clear why the self-definition solution to the eligibility problem is insufficient. The crucial difference, of course, is that voluntary associations are not *territorial* groups: they do not normally have to live together on a separate territory or to deprive others of the territory they inhabited previously. While the creation of a voluntary association involves a partitioning of some population, it does not involve a partitioning of territory.

Typical cases of self-determination, on the other hand, have an essential territorial component. A group's claim to be recognized as an independent political entity is accompanied by a claim that boundaries be redrawn to afford a separate territory to the independent group. The evaluation of such a claim raises questions that do not arise in cases of voluntary association and hence are invisible when self-determination is understood on that model. One of these questions concerns property rights. A group's successful exercise of self-determination results in a political realignment, which effectively redistributes access to natural resources and accumulated wealth. In some cases (probably most colonial cases, for example) this redistribution may have a moral warrant, but this is unlikely always to be true. Indeed, it seems impossible to say *a priori* whether the redistribution of access to wealth that results from the partitioning of a previously unified territorial unit will or will not be equitable to all concerned. Another question involves the personal and political rights of minorities within the territory claimed by or for the self-determining group. A minority in any given area may oppose the provisions for self-government, or, for that matter, may deny that any form of political independence would be desir-

able. Even when there is no expression of such minority views, it may be foreseeable that creation of an independent state on the territory will result in persecution or repression of, e.g., ethnic or racial subgroups. Such problems of minority rights do not arise on the voluntary-association model because voluntary associations include only those who actually consent to terms of membership. But those who find themselves in an area claimed for a self-determining group are more appropriately regarded as involuntary victims of circumstances for which they are not responsible; in most cases, they did not choose their geographical location, nor could they relocate without unreasonable cost.

In view of these considerations, self-definition must be rejected as a general solution to the eligibility question. There may be special cases in which it happens that a group's assertion of a right of self-determination is not embarrassed by problems of distributive justice or minority rights, but there is no reason to assume in advance that this will always be true. Whenever such problems arise and cannot be avoided, for example, by redrawing boundaries or resettling minorities, some further considerations must be advanced to settle the question of eligibility.

I observed earlier that few historical cases of self-determination resemble the free-association model. More often than not, rights of self-determination have been claimed on behalf of groups that have had no real opportunity to define themselves. In those cases, the identities of the groups have been held to consist in common and distinctive characteristics such as race, tribe, religion, or culture. Thus, it might be suggested that the groups eligible for self-determination are those united by some important common characteristic that distinguishes them from the larger population of which they are a part.⁸³ (I say "important" because, obviously, not *all* common and distinctive characteristics are relevant bases of claims of a right of self-determination. It is another matter to say what kinds of characteristics should count as important, and why. I consider this question below.)

⁸³ Van Dyke, *Human Rights*, pp. 85, 89-90; Emerson, "Self-Determination," pp. 464-65.

The common-characteristics approach to the eligibility problem may fit better with the history of self-determination, but it does not avoid the problems associated with territoriality. A priori, there is no reason to think that the distribution of racial, cultural, and other such groups over the earth's surface corresponds to the distribution of wealth in such a way that, even if it were possible for political boundaries to mirror group boundaries, the resulting distribution of access to wealth would be equitable to all. Further, it is not obvious that such a political realignment would preclude problems of minority rights: the fact that people have in common some important characteristic does not imply anything about their political preferences, nor does it imply that other causes of repression or persecution (e.g., distinctions based on *other*, perhaps cross-cutting, "important characteristics") are absent. For these reasons, the presence of common and distinctive characteristics does not seem to be sufficient to identify groups eligible for self-determination. In this respect, the common-characteristics approach is as inadequate as that based on self-definition. In another respect, the common-characteristics approach is even more inadequate. As suggested above, affirmative acts of self-definition, although historically rare, at least establish that those who identify themselves as members of a self-determining group actually do prefer a change in the political status quo. If it were possible to settle the problems associated with territoriality through political means, the expressed preferences of members of a separatist group might justify their claims to a right of self-determination. However, if the membership of the group is identified otherwise (e.g., by the presence of common and distinctive characteristics), even this presumption disappears, because it is not clear why *any* moral importance should attach to common characteristics. Even if problems of territoriality could be settled, why should cultural, racial, tribal, or religious groups be eligible for self-determination?

Our previous discussion of the justification of self-determination provides some help here. Since the exercise of self-determination by a group characteristically involves a change in the distribution of personal, political, and property

rights, it requires a justification against the general presumption that existing arrangements should not be interfered with without good reasons. Such a justification might be provided by evidence that an overwhelming majority of those living in a common area have agreed to withdraw from the established government and create a new state on the territory they inhabit, provided that their voluntarily incurred outstanding obligations to others have somehow been satisfied, that personal rights would not be threatened, and that distributive injustice would not result. However, as I have observed, such cases are unlikely to arise. In more likely cases, a group's claim of self-determination must be justified by showing that its recognition is necessary to create or restore conditions consistent with appropriate principles of justice. Colonial cases arise as standard applications of self-determination because they typically involve great injustices, which cannot be rectified by any measures short of independent statehood. However, there is no reason to think that this condition applies *only* to colonial cases. It might be extended to other groups when it can be shown that independent statehood is a necessary political means for the satisfaction of appropriate principles of justice.

This perspective on the question of identifying units eligible to claim a right of self-determination illuminates an important and longstanding problem regarding the relationship of nationality to state boundaries. Theorists have disagreed over whether the principle of self-determination should apply to groups united by a common nationality.⁸⁴ The "nationalists" have argued for a rearrangement of state boundaries according to nationality, while the "multinationals" have held that it is better to form states containing citizens of diverse nationalities.

J. S. Mill, an early proponent of the nationalist view, wrote: "Where the sentiment of nationality exists in any force, there is a *prima facie* case for uniting all the members of the nationality under the same government, and a government to

⁸⁴ For the purposes of the present discussion I assume that nationality can be given a reasonably coherent definition, although I shall question this assumption below.

themselves apart."⁸⁵ Mill made two arguments for this claim. First, national unity under an independent government is good in itself as a manifestation of freedom of association; second, it is a necessary condition of fair representative institutions. The first of these is simply an application of the general view that entities eligible to claim the right of self-determination are self-defining. As given, Mill's argument for the application of this principle to national groups is incomplete; the premise that national groups would, in fact, choose to form their own independent government is suppressed. But I have argued that this general view is insufficient in the stronger sense that it does not provide enough criteria for distinguishing eligible from ineligible entities. It needs to be shown that independent statehood is required to secure conditions supportive of institutions that satisfy appropriate principles of justice. Mill's second argument constitutes such a claim for the class of groups for which appropriate principles prescribe fair representative institutions. (The argument might be generalized by substituting considerations regarding social justice for those regarding fair representative institutions, but I shall not do so explicitly in this discussion.)

Mill's second argument is that "free institutions are next to impossible in a country made up of different nationalities."⁸⁶ The argument rests on three empirical claims. First, "a people without fellow-feeling" cannot support "the united public opinion, necessary to the working of representative government." Second, "the grand and only effectual security in the last resort against the despotism of the government is in that case wanting: the sympathy of the army and the people." Finally, diversity of nationality provides a natural division which a government bent on establishing authoritarian rule can exploit to maintain itself in power.⁸⁷ These claims have formed the basis of the subsequent debate between those favoring nationalist and those favoring multinationalist definitions of the state. Lord Acton, the first to criticize Mill's empirical assumptions, argued that diversity of nationality within a state "is a firm barrier against the intrusion of the

⁸⁵ Mill, *Considerations on Representative Government*, ch. 16, p. 547.

⁸⁶ Ibid.

⁸⁷ Ibid., pp. 547-48.

government beyond the political sphere," and that it encourages the progress of civilization.⁸⁸ Ernest Barker later claimed that Acton's view was contradicted by the facts and upheld Mill's claim that multinationalism undermines democracy.⁸⁹ More recently, Alfred Cobban has disputed the Mill-Barker view on the basis of evidence drawn largely from twentieth-century Europe, claiming that "the idea of the nation-state as the sole basis of political organization must be abandoned."⁹⁰

For our purposes, the issue raised by this debate is whether diversity of nationality threatens the possibility of maintaining representative institutions sufficiently to warrant extending the principle of self-determination to national groups regardless of whether they occupy well-defined areas subject to colonial rule. This question might be understood as straightforwardly empirical, as it has been by one recent researcher, Walker Connor, whose comparative study of nationalism in Europe, Africa, and South Asia confirmed "a broad-scale trend toward political consciousness along lines of nationality" and suggested that "postwar developments indicate a link between multinationalism and pressure for undemocratic states."⁹¹

The problem here is to understand the meaning of the family of terms including "nation," "nationality," "national loyalty," and "nationalism." One might hesitate to accept the normative implications of Connor's results without a clearer account of these matters, since it is widely acknowledged that some features associated with nationality are far more subject to modification by political institutions than others. Analogously, some features that give rise to nationalism are less deeply embedded in forms of social life than others.⁹² Con-

⁸⁸ John E.E.D. Acton (Lord Acton), "Nationality" [1862], p. 290.

⁸⁹ Ernest Barker, *National Character and the Factors in its Formation*, pp. 16-17, 128-29.

⁹⁰ Cobban, *The Nation State and National Self-determination*, p. 130.

⁹¹ Walker Connor, "Self-Determination: The New Phase," pp. 44, 50.

⁹² See Acton, "Nationality," pp. 292-93; Barker, *National Character*, pp. 7-8; Karl W. Deutsch, *Nationalism and Social Communication*, esp. ch. 8. For a social-psychological view, see Herbert C. Kelman, "Patterns of Political Involvement in the National System: A Social-Psychological Analysis of Political Legitimacy."

nor seems to understand nationality in terms of perceived membership in national groups. However, if perceptions of membership in national groups are largely the results of living under a common set of political institutions, then claims of self-determination would be considerably weakened, since it could be argued that groups claiming this right have not lived under existing institutions long enough for the requisite feelings of loyalty to develop, or, alternatively, that existing institutions should be modified to encourage more rapid assimilation of those who now perceive themselves as outsiders. Further empirical research is needed to see if it is possible to describe general conditions under which assimilation of this sort is unlikely.⁹³ These conditions, if they can be formulated, would identify those kinds of cases in which claims of self-determination could be justified.⁹⁴ In these cases, claims of self-determination would express grievances against injustices flowing from deep and relatively fixed features of the social and political life of a group. In view of the relative immutability of these divisive factors, self-determination could be justified as the only way for the oppressed group to secure conditions supportive of just institutions. (Of course, the *form* of self-determination—that is, the political and economic arrangements for independence—would also have to be consistent with appropriate principles of justice. See the following section.) While this solution to the eligibility problem has the disadvantage of relying heavily on empirical information that may be difficult to obtain, there seems to be no other way to define the range of permissible applications of the principle.

⁹³ Connor himself has suggested that "ethnic diversity" is one such condition, which leads to increasing rather than decreasing ethnic separatist demands as the level of economic development rises. However, since this is only sometimes true, it is clear that ethnic diversity does not always require separate statehood. Connor does not supply any way of identifying the circumstances under which the latter is more likely to be the case. Walker Connor, "Nation-Building or Nation-Destroying?"

⁹⁴ A preliminary formulation of such a condition holds that loyalties to existing political structures are unlikely to develop when the structures include groups differentiated by socioeconomic class accompanied by "cultural differences which cannot easily be blurred" like race, language, or religion. See Ernest Gellner, "Scale and Nation," p. 12.

5. Economic Dependence

ASSUMING that a group is eligible to claim a right of self-determination, is the right adequately satisfied by the granting of political independence if informal channels of foreign influence persist? More generally, can the exercise by foreigners of substantial political and economic influence over the internal affairs of an independent state properly be criticized as infringements of the state's right of self-determination?

This question has been raised by recent criticisms of the effects of foreign investment and multinational corporate activity on political and economic conditions in poor (and largely ex-colonial) countries. It has been argued widely that these forms of transnational economic relations interfere with "the ability of a nation-state as a collectivity to make decisions which shape its political and economic future."⁹⁵ States that are not autonomous in this respect are termed "dependent": such a state "is one which does not have control over the major decisions affecting its economy."⁹⁶

"Economic dependence" can best be understood by comparing it with the political imperialism associated with the colonial period, of which economic dependence is alleged to be a lineal descendant. Imperialism, in its classical or nineteenth-century sense, refers to the systematic pursuit by a government of policies that meet two conditions: first, the policies involve the extension of political control to another country or territorially distinct group of people; second, this control is nonvoluntary from the point of view of the satellite country or group.⁹⁷ Dependence (or "economic imperialism") differs insofar as the control exercised over a satellite country

⁹⁵ Evans, "National Autonomy and Economic Development," p. 326. For a similar argument, see Osvaldo Sunkel, "Big Business and 'Dependencia,'" pp. 525-27.

⁹⁶ Barbara Stallings, *Economic Dependency in Africa and Latin America*, p. 6.

⁹⁷ For a slightly different analysis, see Sidney Morgenbesser, "Imperialism: Some Preliminary Distinctions," pp. 11-12.

or group utilizes economic rather than political means, and the agent exercising control is a foreign corporation or class rather than a government. Lenin notes the relationship in his tract on imperialism: "[I]t must be observed that finance capital and its foreign policy . . . give rise to a number of *transitional* forms of state dependence. Not only . . . the two main groups of countries, those owning colonies, and the colonies themselves, but also the diverse forms of dependent countries which, politically, are formally independent, but in fact, are enmeshed in the net of financial and diplomatic dependence, are typical of this epoch."⁹⁸ Similar views are held by many more recent writers, although there is controversy about the mechanism of economic imperialism—that is, about the nature of the phenomenon that now substitutes for political control. Theotonio Dos Santos, for example, urges that the colonial relationship is only one form of dependence brought about by the search by capitalist elites from rich countries for new markets for goods and capital; other forms combine political independence with indirect political and economic manipulation by the monopolies that control prices and supplies of manufactured goods and influence the distribution of aid and investment capital by foreign governments and international agencies.⁹⁹ Similarly, Paul Baran, identifying imperialism with its economic causes, finds that "contemporary imperialism" expresses itself in "comprador" (or subservient) governments in satellite states, which enforce policies favorable to metropolitan sources of investment and aid, making possible "the continued exploitation of underdeveloped countries."¹⁰⁰ In discussing the same theme, Suzanne Bodenheimer concludes that "the infrastructure of dependency [i.e., subservient governments and supporting social

⁹⁸ V. I. Lenin, *Imperialism, the Highest Stage of Capitalism*, p. 263 (emphasis in original). See also Karl Marx, *A Contribution to the Critique of Political Economy* [1859], pp. 202-3; and Hobson, *Imperialism*, pp. 5, 64-70, and 75-79.

⁹⁹ Theotonio Dos Santos, "The Structure of Dependence," pp. 231-32.

¹⁰⁰ Paul A. Baran, *The Political Economy of Growth*, pp. 196 and 205ff. The idea of a "comprador" elite derives from Mao Tse-tung, "The Chinese Revolution and the Chinese Communist Party," pp. 88-89.

structures] may be seen as the functional equivalent of a formal colonial apparatus."¹⁰¹ Although there is disagreement about more precise definitions of dependence, it may be useful to note that a satellite country's economic dependence is often measured by the extent to which sources of imported capital, personnel, and technologies, and markets for major exports, are concentrated in a few metropolitan countries.¹⁰²

Most contemporary theorists of dependence argue that the economic dependence of satellite on metropolitan countries retards economic growth, creates outward-looking elites who must service foreign interests to maintain their positions, and results in skewed patterns of growth and distribution within satellite economies and societies.¹⁰³ Some carry the argument a step further by claiming that the system of foreign aid, trade, and investment is not only relatively but absolutely harmful to satellite countries.¹⁰⁴ The results of economic dependence, furthermore, are held to be similar to the economic results of political imperialism during the colonial period, even though economic dependence does not necessarily involve direct intervention by a metropolitan government in the official political life of a satellite group. In both cases, undesirable economic and social conditions are imposed on satellite groups without their consent.

Many of these claims are the subjects of considerable empirical dispute.¹⁰⁵ However, it is neither possible nor necessary to resolve these issues here. The question I wish to raise

¹⁰¹ Suzanne Bodenheimer, "Dependency and Imperialism: The Roots of Latin American Underdevelopment," p. 339.

¹⁰² See, for example, Stallings, *Economic Dependency*, p. 7.

¹⁰³ The most influential, and the clearest, formulation of these hypotheses is by André Gunder Frank, "The Development of Underdevelopment," pp. 9-14.

¹⁰⁴ André Gunder Frank, "Capitalist Development of Underdevelopment in Chile," p. 3.

¹⁰⁵ See, for example, Robert R. Kaufman, Daniel S. Geller, and Harry I. Chernotsky, "A Preliminary Test of the Theory of Dependency," which argues that available measures of dependence do not consistently predict adverse effects on economic development. For the opposite view, see Christopher Chase-Dunn, "The Effects of International Economic Dependence on Development and Inequality: A Cross-national Study."

is, supposing for the sake of discussion that the claims noted above are largely correct, does the principle of self-determination support moral criticisms of economic dependence? I shall argue that it is especially unfortunate that criticisms of dependence have been framed in terms of deprivations of national autonomy. Such criticisms are inadequate, for reasons canvassed earlier, and more appropriate criticisms, based on substantive principles of justice, are more far-reaching.

As I remarked above, both political imperialism and economic dependence involve the imposition of political and economic institutions and practices on people without their consent. The moral objection to such policies is that they infringe the right of self-determination. However, as I have argued, it is not obvious what such a right requires, who is eligible to claim it, or why we should object to offenses against it. The clearest cases are those in which the satellite group is organized as a state with a fair social-decision procedure. When a foreign agent imposes political or economic conditions on such a group without its consent, the foreign agent violates the political rights of the members of the satellite group. But it seems unlikely that very many real world situations resemble this clear case. The more likely case is that in which the satellite group, if it has a developed state apparatus at all, lacks fair participatory institutions. From the point of view of persons nonvoluntarily subject to a regime, and unable effectively to express or withhold their consent to it, it appears to make little moral difference whether the regime is imposed by other members of their own community or by foreign agents. In either case the exercise of coercive power requires a justification. It is necessary to judge regimes of either kind by more substantive criteria than the simple criterion of political autonomy. As I have suggested previously, these criteria are supplied by the principles of justice appropriate to the society involved.

This reasoning has special importance in application to the circumstances of dependence. If the main moral objection to dependence is thought to rest on infringements of a state's right to self-determination, and thus of its political autonomy, it would be natural to conclude that the moral defects could

be remedied by the development of an indigenous state apparatus capable of reclaiming political and economic control from foreign agents like multinational corporations and foreign investors. This, at least, seems to be the presumption of some recent discussions of dependence.¹⁰⁶ However, if my claim is correct that the ideal of state autonomy provides insufficient moral grounds for criticizing economic dependence, then it is a mistake to think that its moral flaws can be eliminated simply by returning political and economic control to indigenous agents. The objectionable features of dependence—like excessive exercises of state coercive power or large internal distributive inequalities—might be reproduced by an apparently autonomous state. What is required is an account of the more substantive criteria by which nonvoluntary regimes should be evaluated. Of course, it might be argued on empirical grounds that political autonomy is a necessary condition of a regime's satisfying those substantive criteria by which nonvoluntary political and economic arrangements gain their moral legitimacy. But, if I am right, political autonomy is not a sufficient condition of a regime's legitimacy; it remains to ask whether autonomous regimes satisfy appropriate principles of justice.

These remarks show that the third ambiguity of self-determination—whether it requires the severing of informal channels of influence as well as the granting of formal independence—also has no clear solution. Like the other ambiguities considered, this one arises because the principle of self-determination should be understood as a means to the end of social justice, and the argument for its application to particular cases is contingent on the truth of empirical hypotheses linking application of the principle to the promotion of justice or the prevention of injustice. Where it is true that the international economic relations characteristic of dependence contribute to the maintenance of domestic injustice in dependent countries, or where they impede efforts to promote the growth of just institutions, there is clearly room

¹⁰⁶ See, for example, Sunkel, "Big Business and 'Dependencia,'" p. 531; Theodore H. Moran, *The Multinational Corporation and the Politics of Dependence*, pp. 258-60; and Alfred Stepan, *The State and Society*, esp. ch. 7.

for moral criticism. But it is misleading to formulate such criticisms in terms of offenses against the principle of self-determination or denials of a right to national autonomy.

6. State Autonomy and Domestic Social Justice

I HAVE argued that the principle of state autonomy—the central element of the morality of states—lacks a coherent moral foundation. There are no compelling reasons of principle for abstaining from judgments regarding the justice of the domestic political and economic institutions of other states.

This criticism of the received view has its most important application to the nonintervention principle. I have claimed that this principle does not apply equally to all states. Indeed, the same moral concerns that support the nonintervention principle in some circumstances might justify intervention in others. The relevant differences between the two sets of circumstances have to do with the justice of the domestic institutions of the potential target of intervention. Unjust institutions do not enjoy the same *prima facie* protection against external interference as do just institutions, and in fact, other things equal, interference with unjust institutions might be justified when it has a high probability of promoting domestic social justice. The nonintervention principle cannot be interpreted properly without considering the justice of the institutions of the states involved in particular instances of (potential) intervention.

Other concepts related to the ideal of state autonomy—self-determination and economic dependence—also require reference to principles of justice appropriate to the societies involved in order to be understood and interpreted properly. The strongest moral argument for self-determination is that political independence is necessary for the elimination of social injustice and for the development of just institutions; the strongest moral argument against economic dependence is

that the associated forms of international economic relations produce or support unjust domestic institutions.

These points illustrate my more general claims about the autonomy of states. The idea that states should be respected as autonomous sources of ends, and hence should not be interfered with, arises as an analogue of the idea that individual persons should be respected as autonomous beings. But the analogy is faulty. The analogue of individual autonomy, at the level of states, is conformity of their basic institutions with appropriate principles of justice.

If these conclusions are correct, then there is one point at which the theoretical division between international relations and domestic society breaks down. On the view I have proposed, the principle of state autonomy—a principle of international political theory—cannot be interpreted correctly without bringing in considerations of social justice usually thought to belong to the political theory of the state.

It follows that a complete normative theory of international relations would require an account of domestic social justice, but I cannot provide such an account in this book. The most obvious reason is that the subject of social justice raises complex and persistent philosophical problems, which deserve far more extensive exploration than space and time allow.¹⁰⁷

An additional complication involves the controversial nature of the supposition that principles of social justice appropriate to many existing societies may diverge in important ways from the principles usually thought appropriate to developed, western, industrial societies. This is denied by those who assume that the less-developed countries should conform to the conception of justice that applies to developed ones.¹⁰⁸ The supposition is apparently endorsed by those who argue that the requirements of economic development justify some relaxation of the standards that constrain the structure

¹⁰⁷ There is, of course, a vast recent literature on the subject. An especially helpful introductory discussion, which is sensitive to the different possible conceptions of justice, is David Miller, *Social Justice*, ch. 1.

¹⁰⁸ See, for example, Daniel P. Moynihan, "The United States in Opposition," esp. pp. 42-44.

and operation of institutions in developed countries.¹⁰⁹ Clearly, a great deal depends on which philosophical path is followed, including the interpretation of the international doctrine of human rights and the evolution of normative standards to justify and structure the empirical study of economic and political development.¹¹⁰

While the complexity and controversial nature of these matters provide two reasons for avoiding them here, a third is that detailed attention to the subject of domestic social justice would deflect us from other pressing international issues. It may be true, as representatives of developing countries have argued, that the rapid development of their societies requires a new international economic order as well as changes in social and political institutions internal to their own societies. Analogously, the development of just domestic institutions in many societies may depend on the elimination of international distributive injustice. Since this issue is less familiar to us than problems of domestic social justice—partly because it is ignored by the morality of states—I turn to it in the following part.

¹⁰⁹ Such views are maintained in Rawls, *A Theory of Justice*, pp. 302 and 542.

¹¹⁰ On human rights, see my "Human Rights and Social Justice." On the relationship of normative theory and the study of political development, see Pennock, "Political Development, Political Systems, and Political Goods," pp. 420-26.

PART THREE

International Distributive Justice

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*Current events have brought into sharp focus the realization that . . . there is a close inter-relationship between the prosperity of the developed countries and the growth and development of the developing countries. . . . International cooperation for development is the shared goal and common duty of all countries.*¹

¹ "Declaration on the Establishment of a New International Economic Order," Resolution 3,201 (S-VI), 1 May 1974. United Nations General Assembly, *Official Records: Sixth Special Session*, Supp. no. 1 (A/9,559) (New York, 1974), p. 3.

IT IS no part of the morality of states that residents of relatively affluent societies have obligations founded on justice to promote economic development elsewhere. Indeed, the tradition of international political theory is virtually silent on the matter of international distributive justice. The most that might be said, consistently with the morality of states, is that the citizens of relatively affluent societies have obligations based on the duty of mutual aid to help those who, without help, would surely perish. The obligation to contribute to the welfare of persons elsewhere, on such a view, is an obligation of charity.

Obligations of justice might be thought to be more demanding than this, to require greater sacrifices on the part of the relatively well-off, and perhaps sacrifices of a different kind as well. Obligations of justice, unlike those of mutual aid, might also require efforts at large-scale institutional reform. The rhetoric of the General Assembly's "Declaration on the Establishment of a New International Economic Order" suggests that it is this sort of obligation that requires wealthy countries to increase substantially their contributions to less-developed countries, and radically to restructure the world economic system. Do such obligations exist?

This question does not pose special theoretical problems for the utilitarian, for whom the distinction between obligations of humanitarian aid and obligations of social justice is a second-order distinction. Since utility-maximizing calculations need not respect national boundaries, there is a method of decision available when different kinds of obligations conflict. Contractarian political theories, on the other hand, might be expected to encounter problems when they are applied to questions of global distributive justice. Contractarian principles usually rest on the relations in which people stand in a national community united by common acceptance of a conception of justice. It is not obvious that contractarian principles with such a justification support any redistributive obligations between persons situated in different national societies.

Nevertheless, I shall argue that a strong case can be made on contractarian grounds that persons of diverse citizenship have distributive obligations to one another analogous to those of citizens of the same state. International distributive obligations are founded on justice and not merely on mutual aid. As a critique and reinterpretation of Rawls's theory of justice,² the argument explores in more detail the observation (offered in part one) that international relations is coming more and more to resemble domestic society in several respects relevant to the justification of principles of (domestic) social justice. The intuitive idea is that it is wrong to limit the application of contractarian principles of social justice to the nation-state; instead, these principles ought to apply globally.³ The argument raises interesting problems for Rawls's theory, and, more important, it illuminates several central features of the question of global distributive justice. In view of increasingly visible global distributive inequalities, famine, and environmental deterioration, it can hardly be denied that this question poses one of the main political challenges of the foreseeable future.

My discussion has six parts. I begin by reviewing Rawls's brief remarks on international justice and show that these make sense only on the empirical assumption that nation-states are self-sufficient. Even if this assumption is correct, I then claim, Rawls's discussion of international justice is incomplete in important respects, for it neglects certain problems about natural resources. In section 3, I go on to question the empirical foundation of the self-sufficiency assumption and sketch the consequences for Rawlsian ideal theory of abandoning the assumption. Some objections to a global distributive principle are considered in sections 4 and 5. In con-

² John Rawls, *A Theory of Justice*.

³ Such criticisms have been suggested by several writers. For example, Brian Barry, *The Liberal Theory of justice*, pp. 128-33; Peter Danielson, "Theories, Intuitions and the Problem of World-Wide Distributive Justice"; Thomas M. Scanlon, "Rawls' Theory of Justice," pp. 1,066-67. For a discussion, see Robert Amdur, "Rawls' Theory of Justice: Domestic and International Perspectives."

elusion, I explore the relation of an ideal theory of international distributive justice to the nonideal world.

It should be emphasized that the main argument given here is hypothetical. I make no claim to provide independent support for a Rawlsian view of distributive justice; I only mean to explore the relevance of Rawls's view for international relations, and, *inter alia*, to point out some features of this view that require further development in the face of certain facts about the world. If one is inclined to reject Rawls's theory in the domestic case, then the case for a theory of global justice like the one suggested below is correspondingly weakened. My claim is that, if one finds Rawls's theory plausible, then the facts of contemporary international relations require that the theory be reinterpreted in the ways suggested here.

1. Social Cooperation, Boundaries, and the Basis of Justice

JUSTICE, Rawls says, is the first virtue of social institutions. Its "primary subject" is "the basic structure of society, or more exactly, the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation."⁴

The central problem for a theory of justice is to identify principles by which the basic structure of society can be appraised. The two principles proposed as a solution to this problem are:

1. Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.
2. Social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged, consistent with the just savings principle

⁴ Rawls, A *Theory of Justice*, p. 7.

[the "difference principle"], and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.⁵

These principles are Rawls's preferred interpretation of the "general conception" of justice, which applies in a wider range of circumstances than those in which the two principles are appropriate.⁶

Rawls's argument for the two principles makes use of the idea of a hypothetical social contract. We are to imagine rational persons meeting in an "original position" to choose among alternative principles of justice. The original position is defined by a variety of conditions concerning the nature, motivation, and knowledge of the parties, and by formal constraints on the type of principles they may consider, which are supposed to represent features we normally associate with moral choice. Chief among these conditions is a "veil of ignorance" that excludes from the original position knowledge about the particular identities and interests of the parties, their generation and place in society, and their society's history, level of development, and culture.⁷ Rawls argues that rational persons meeting in these circumstances would choose the two principles listed above as the most fundamental moral standards for their social institutions.

Like Hume, Rawls regards society as a "cooperative venture for mutual advantage."⁸ Society is typically marked by both an identity and a conflict of interests. Everyone (or almost everyone) in society shares an interest in having access to the various goods that social activity can provide. At the same

⁵ Ibid., pp. 302-3.

⁶ The general conception reads: "All social primary goods—liberty and opportunity, income and wealth, and the bases of self-respect—are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored." (Ibid., p. 303.) For the purposes of this discussion, I ignore the problem of when (and why) the two principles are to be preferred to the general conception, and the problems that might result if the general conception were applied globally.

⁷ Ibid., pp. 130-42.

⁸ Ibid., p. 4. Compare David Hume, *A Treatise of Human Nature* [1739-1740], III, II, ii, pp. 484-89.

time, people's claims to these scarce goods may conflict. Principles are needed to identify institutions that will fairly distribute the benefits and burdens of social life.

The model of society as a cooperative scheme is very important for Rawls's theory, but it must not be taken too literally. It is important because it explains the social role of justice and specifies the characteristics of human activity by virtue of which the requirements of justice apply. Thus, principles of justice determine a fair distribution of the benefits and burdens produced by "social cooperation." If there were no such "cooperation," there would be no occasion for justice, since there would be no joint product with respect to which conflicting claims might be pressed, nor would there be any common institutions (e.g., enforceable property rights) to which principles could apply. But Rawls's model must not be taken too literally, since all of the parties to a particular social scheme may not actually *cooperate* in social activity, and each party may not actually be advantaged in comparison with what his or her position would be in the absence of that scheme. For example, there is no doubt that the *polis* of ancient Greece constituted a scheme of social cooperation to which the requirements of justice should apply, yet its slaves were neither willing cooperators in social life, nor were they necessarily advantaged in comparison with what their situations would have been outside of their society. (For that matter, none of the parties may be advantaged. Perhaps there are societies in which everyone's position is depressed. Such a society would be strange, but there is no obvious reason why judgments about its justice, or lack of it, would be inappropriate.) To say that society is a "cooperative venture for mutual advantage" is to add certain elements of a social ideal to a description of the circumstances to which justice applies. These additional elements unnecessarily narrow the description of these circumstances. It would be better to say that the requirements of justice apply to institutions and practices (whether or not they are genuinely cooperative) in which social activity produces relative or absolute benefits or burdens that would not exist if the social activity did not take place. Henceforth, I shall take Rawls's characterization of society as a cooperative scheme as

an elliptical description of social schemes meeting this condition.

Rawls's two principles characterize "a special case of the problem of justice." They do not characterize "the justice of the law of nations and of relations between states."⁹ This is because the principles rest on morally significant features of an ongoing scheme of social cooperation. If national boundaries are thought to set off discrete and (more or less) self-sufficient schemes of social cooperation, as Rawls assumes, then the relations of persons situated in different nation-states cannot be regulated by principles of social justice.¹⁰ As Rawls develops the theory, it is only after principles of social justice and principles for individuals (the "natural duties") are chosen, that principles for international relations are considered, and then only in the most perfunctory manner.

Rawls assumes that "the boundaries" of the cooperative schemes to which the two principles apply "are given by the notion of a self-contained national community." This assumption "is not relaxed until the derivation of the principles of justice for the law of nations."¹¹ In other words, the assumption that national communities are self-contained is relaxed when international justice is considered. What does this mean? If the societies of the world are now to be conceived as open, fully interdependent systems, the world as a whole would fit the description of a scheme of social cooperation, and the arguments for the two principles would apply, a fortiori, at the global level. The principles of justice for international politics would be the two principles for domestic society writ large, and this would be a very radical result, given the tendency to equality of the difference principle. On the other hand, if societies are thought to be *entirely* self-contained—that is, if they are to have no relations of any kind with persons, groups, or societies beyond their borders—then why consider international justice at all? Principles of justice are supposed to regulate conduct, but if, *ex hypothesi*, there is no possibility of international conduct, it is difficult to see why

⁹ Rawls, *A Theory of Justice*, pp. 7-8.

¹⁰ For the self-sufficiency assumption, see *ibid.*, pp. 4, 8, and 457.

¹¹ *Ibid.*, p. 457.

principles of justice for the law of nations should be of any interest whatsoever. Rawls's discussion of justice among nations suggests that neither of these alternatives describes his intention in the passage quoted. Some intermediate assumption is required. Apparently, nation-states are now to be conceived as "more or less"¹² self-sufficient, but not entirely self-contained. Probably he imagines a world of nation-states which interact only in marginal ways; perhaps they maintain diplomatic relations, participate in a postal union, maintain limited cultural exchanges, and so on. Certainly the self-sufficiency assumption requires that societies have no significant trade or other economic relations.

Why, in such a world, are principles of international justice of interest? Rawls says that the restriction to ideal theory has the consequence that each society's external behavior is controlled by its principles of justice and of individual right, preventing unjust wars and interference with human rights abroad.¹³ So it cannot be the need to prohibit unjust wars that prompts his worries about the law of nations. The most plausible motivation for considering principles of justice for the law of nations is suggested by an aside regarding the difficulties of disarmament in which Rawls suggests that state relations are inherently unstable because it is particularly dangerous for any one to stick to the rules when there is no assurance that others will do the same.¹⁴ Agreement on regulative principles would then provide each state with security about the others' external behavior and would represent the minimum conditions of peaceful coexistence.

For the purpose of justifying principles for nations, Rawls reinterprets the original position as a sort of international conference:

[O]ne may extend the interpretation of the original position and think of the parties as representatives of different nations who must choose together the fundamental principles to adjudicate conflicting claims among states. Following out the conception of the initial situation, I assume that these representatives are deprived of various

¹² Ibid., p. 4.

¹³ Ibid., p. 379.

¹⁴ Ibid., p. 336.

kinds of information. While they know that they represent different nations each living under the normal circumstances of human life, they know nothing about the particular circumstances of their own society. . . . Once again the contracting parties, in this case representatives of states, are allowed only enough knowledge to make a rational choice to protect their interests but not so much that the more fortunate among them can take advantage of their special situation. This original position is fair between nations; it nullifies the contingencies and biases of historical fate.¹⁵

While he does not actually present arguments for any particular principles for nations, he claims that "there would be no surprises, since the principles chosen would, I think, be familiar ones."¹⁶ The examples given are indeed familiar; they include principles of self-determination, nonintervention, the *pacta sunt servanda* rule, a principle of justifiable self-defense, and principles defining *jus in bello*.¹⁷ These are supposed to be consequences of a basic principle of equality among nations, to which the parties in the reinterpreted original position would agree in order to protect and uphold their interests in successfully operating their respective societies and in securing compliance with the principles for individuals that protect human life.¹⁸

One might object to such reasoning that there is no guarantee that all of the world's states are internally just, or that if they are, they are just in the sense specified by the two principles. If some societies are unjust according to the two principles, some familiar and serious problems arise. In a world including South Africa or Cambodia, for example, one can easily imagine situations in which the principle of nonintervention would prevent other nations from intervening in support of an oppressed group fighting to establish a more

¹⁵ Ibid., p. 378.

¹⁶ Ibid.

¹⁷ These principles form the basis of traditional international law. See the discussion, on which Rawls relies, in J. L. Brierly, *The Law of Nations*, esp. chs. 3-4.

¹⁸ Rawls, *A Theory of Justice*, pp. 378 and 1.15.

just regime, and this might seem implausible. More generally, one might ask why a principle that defends a state's ability to pursue an immoral end is to count as a moral principle imposing a requirement of justice on other states.

Such an objection, while indicating a serious problem in the real world, would be inappropriate in this context because the law of nations, in Rawls, applies to a world of just states. Nothing in Rawls's theory specifically requires this assumption, but it seems consonant with the restriction to ideal theory and parallels the assumption of "strict compliance" in his arguments for the two principles in domestic societies. (The ideal-theory restriction means that Rawls's arguments are intended to establish principles for a just [or "well-ordered"] society. The principles of ideal theory do not apply directly to the nonideal world.)¹⁹ It is important that the suggested justification of these traditional rules of international law rests on an ideal assumption not present in most discussions of this subject. It does not self-evidently follow that these rules ought to hold in the nonideal world; at a minimum, an additional condition would be required, limiting the scope of the traditional rules to cases in which their observance would promote the development of just institutions in presently unjust societies while observing the basic protection of human rights expressed by the natural duties and preserving a stable international order in which just societies can exist.²⁰

Someone might think that other principles would be acknowledged, for example, regarding population control and regulation of the environment. Or perhaps, as Barry suggests, the parties would agree to form some sort of permanent international organization with consultative, diplomatic, and even collective security functions.²¹ However, there is no obvious reason why such agreements would emerge from an

¹⁹ On ideal theory, see *ibid.*, pp. 8-9. I consider the relation between ideal principles and the nonideal world in section 6, below.

²⁰ It has been argued that such a condition should qualify the nonintervention rule in Rawlsian ideal theory as well. If so, the resulting principle would be extensionally equivalent to that proposed in part two, above. See Mark Wicclair, "Human Rights and Intervention: A Contractarian Analysis."

²¹ Barry, *The Liberal Theory of Justice*, p. 132.

international original position, at least as long as the constituent societies are assumed to be largely self-sufficient. Probably the parties, if confronted with these possibilities, would reason that fundamental questions of justice are not raised by them, and such issues of policy as arise from time to time in the real world could be handled with traditional treaty mechanisms underwritten by the rule, already acknowledged, that treaties are to be observed. Other issues that are today subjects of international negotiation—those relating to international regulation of common areas like the sea and outer space—are of a different sort. They call for a kind of regulation that requires substantive cooperation among peoples in the use of areas not presently within the boundaries of any society. A cooperative scheme must be evolved, which would create new wealth to which no national society could have a legitimate prior claim. These issues would be excluded from consideration on the ground that the parties are assumed not to be concerned with devising such a scheme. As representatives of separate social schemes, their attention is turned inward, not outward. In coming together in an international original position, they are moved by considerations of equality between "independent peoples organized as states."²² Their main interest is in providing conditions in which just domestic social orders might flourish.

2. Entitlements to Natural Resources

THUS far, the ideal theory of international justice bears a striking resemblance to that proposed in the Definitive Articles of Kant's *Perpetual Peace*.²³ Accepting for the time being the assumption of national self-sufficiency, Rawls's choice of principles seems unexceptionable. But would this list of principles exhaust those to which the parties would agree? Probably not. At least one kind of consideration, in-

²² Rawls, *A Theory of Justice*, p. 378.

²³ Immanuel Kant, *Perpetual Peace* [1795], pp. 98-115.

volving natural resources, might give rise to moral conflict among states even in the absence of substantial social cooperation among them, and thus be a matter of concern in the international original position. The principles given so far do not take account of these considerations.

We can appreciate the moral importance of conflicting resource claims by distinguishing two elements that contribute to the material advancement of societies. One is human cooperative activity itself, which can be thought of as the human component of material advancement. The other is what Sidgwick called "the utilities derived from any portion of the earth's surface," the natural component.²⁴ While the first is the subject of the domestic principles of justice, the second is morally relevant even in the absence of a functioning scheme of international social cooperation. The parties to the international original position would know that natural resources are distributed unevenly over the earth's surface. Some areas are rich in resources, and societies established in such areas can be expected to exploit their natural riches and to prosper. Other societies do not fare so well, and despite the best efforts of their members, they may attain only a meager level of well-being because of resource scarcities.

The parties would view the distribution of resources much as Rawls says the parties to the domestic original-position deliberations view the distribution of natural talents. In that context, he says that natural endowments are "neither just nor unjust; nor is it unjust that men are born into society at any particular position. These are simply natural facts. What is just or unjust is the way that institutions deal with these facts."²⁵ A caste society, for example, is unjust because it distributes the benefits of social cooperation according to a rule that rests on morally arbitrary factors. Rawls's objection is that those who are less advantaged for reasons beyond their control cannot be asked to suffer the pains of inequality when

²⁴ Henry Sidgwick, *The Elements of Politics* [1891], p. 255; quoted in S. I. Benn and R. S. Peters, *The Principles of Political Thought*, p. 430. Sidgwick's entire discussion of putative national rights to land and resources is relevant here. See *Elements*, pp. 252-57.

²⁵ Rawls, *A Theory of Justice*, p. 102.

their sacrifices cannot be shown to advance their position in comparison with an initial position of equality.

Reasoning analogously, the parties to the international original position would view the natural distribution of resources as morally arbitrary.²⁶ The fact that someone happens to be located advantageously with respect to natural resources does not provide a reason why he or she should be entitled to exclude others from the benefits that might be derived from them. Therefore, the parties would think that resources (or the benefits derived from them) should be subject to redistribution under a resource redistribution principle. This view is subject to the immediate objection that Rawls's treatment of natural talents is troublesome. It seems vulnerable in at least two ways. First, it is not clear what it means to say that the distribution of talents is "arbitrary from a moral point of view."²⁷ While the distribution of natural talents is arbitrary in the sense that one cannot deserve to be born with the capacity, say, to play like Rubinstein, it does not obviously follow that the possession of such a talent needs any justification. On the contrary, simply having a talent seems to furnish *prima facie* warrant for making use of it in ways that are, for the possessor, possible and desirable. A person need not justify the possession of talents, despite the fact that one cannot be said to deserve them, because they are already one's own; the *prima facie* right to use and control talents is fixed by natural fact.

The other point of vulnerability is that natural capacities are parts of the self, in the development of which a person might take a special kind of pride. A person's decision to develop one talent, not to develop another, as well as his or her choice as to how the talent is to be formed, and the uses to which it is to be put, are likely to be important elements of the effort to shape an identity. The complex of developed talents might even be said to constitute the self; their exercise is a principal form of self-expression. Because the development of talents is so closely linked with the shaping of personal

²⁶ Compare Kant, *Perpetual Peace*, p. 106, where it is claimed that persons "have a right to communal possession of the earth's surface."

²⁷ Rawls, *A Theory of Justice*, p. 72.

identity, it might seem that one's claim to one's talents is protected by considerations of personal liberty. To interfere with the development and use of talents is to interfere with a self. Or so, at least, it might be argued.

Both of these are reasons to think that Rawls's discussion of natural talents is problematic. Perhaps it can be defended against objections like these, but that is not my concern here. I want to argue only that objections of this sort do not apply to the parallel claim that the distribution of natural resources is similarly arbitrary. Like talents, resource endowments are arbitrary in the sense that they are not deserved. But unlike talents, resources are not naturally attached to persons. Resources are found "out there," available to the first taker. Resources must be appropriated before they can be used, whereas, in the talents case, the "appropriation" is a *fait accompli* of nature over which persons have no direct control. Thus, while we might feel that the possession of talents confers a right to control and benefit from their use, we feel differently about resources. Appropriation may not always need a justification; if the resources taken are of limited value, or if, as Locke imagined, their appropriation leaves "enough and as good" for everyone else, appropriation may not present a problem. In a world of scarcity, however, the situation is different. The appropriation of valuable resources by some will leave others comparatively, and perhaps fatally, disadvantaged. Those deprived without justification of scarce resources needed to sustain and enhance their lives might well press claims to equitable shares.

Furthermore, resources do not stand in the same relation to personal identity as do talents. It would be inappropriate to take the sort of pride in the diamond deposits in one's back yard that one takes in the ability to play the *Appassionata*. This is because natural resources come into the development of personality (when they come in at all) in a more casual way than do talents. As I have said, talents, in some sense, are what the self is; they help constitute personality. The resources under one's feet, because they lack this natural connection with the self, seem more like contingent than necessary elements in the development of personality. Like talents,

resources are used in this process; they are worked on, shaped, and benefited from. But they are not there, as parts of the self, to begin with. They must first be appropriated, and prior to their appropriation, no one has any special natural claim on them. Considerations of personal liberty do not protect a right to appropriate and use resources in the same way that they protect the right to develop and use talents as one sees fit. There is no parallel, initial presumption against interference with the use of resources, since no one is initially placed in a naturally privileged relationship with them.

I conclude that the natural distribution of resources is a purer case of something being "arbitrary from a moral point of view" than the distribution of talents. Not only can one not be said to deserve the resources under one's feet; the other grounds on which one might assert an initial claim to talents are absent in the case of resources, as well.

The fact that national societies are assumed to be self-sufficient does not make the distribution of natural resources any less arbitrary. Citizens of a nation that finds itself on top of a gold mine do not gain a right to the wealth that might be derived from it *simply* because their nation is self-sufficient. But someone might argue that self-sufficiency, nevertheless, removes any possible grounds on which citizens of other nations might press claims to equitable shares. A possible view is that no justification for resource appropriation is necessary in the global state of nature. If, so to speak, social cooperation is the root of all social obligations, as it is in some versions of contract theory, then the view is correct. All rights would be "special rights" applying only when certain conditions of cooperation obtain.²⁸

I believe that this is wrong. It seems plausible in most discussions of distributive justice because their subject is the distribution of the benefits of social cooperation. Where there is no social cooperation, there are no benefits or burdens of cooperation, and hence no problem of conflicting distributive claims concerning the fruits of cooperation. (This is why a

²⁸ William N. Nelson construes Rawlsian rights in this way in "Special Rights, General Rights, and Social Justice."

world of self-sufficient national societies is not subject to something like a global difference principle.) But there is nothing in this reasoning to suggest that we can *only* have moral ties to those with whom we share membership in a cooperative scheme. It is possible that other sorts of considerations might come into the justification of moral principles. Rawls himself recognizes this in the case of the natural duties, which are said to "apply to us without regard to our voluntary acts," and, apparently, without regard to our institutional memberships.²⁹

In the case of natural resources, the parties to the international original position would know that resources are unevenly distributed with respect to population, that adequate access to resources is a prerequisite for successful operation of (domestic) cooperative schemes, and that resources are scarce. They would view the natural distribution of resources as arbitrary in the sense that no one has a natural *prima facie* claim to the resources that happen to be under one's feet. The appropriation of scarce resources by some requires a justification against the competing claims of others and the needs of future generations. Not knowing the resource endowments of their own societies, the parties would agree on a resource redistribution principle that would give each society a fair chance to develop just political institutions and an economy capable of satisfying its members' basic needs.

There is no intuitively obvious standard of equity for such matters; perhaps the standard would be population size, or perhaps it would be more complicated, rewarding societies for their members' efforts in extracting resources and taking account of the different resource needs of societies with different economies. The underlying principle is that each person has an equal *prima facie* claim to a share of the total available resources, but departures from this initial standard could be justified (analogously to the operation of the difference principle) if the resulting inequalities were to the greatest benefit of those least advantaged by the inequality.³⁰ In any event, the resource redistribution principle would

²⁹ Rawls, *A Theory of Justice*, p. 114.

³⁰ Compare *ibid.*, p. 151.

function in international society as the difference principle functions in domestic society. It provides assurance to persons in resource-poor societies that their adverse fate will not prevent them from realizing economic conditions sufficient to support just social institutions and to protect human rights guaranteed by the principles for individuals. In the absence of this assurance, these nations might resort to war as a means of securing the resources necessary to establish domestic justice, and it is not obvious that wars fought for this purpose would be unjust.³¹

Before turning to other issues, I must note a complication of which I cannot give a fully satisfactory account. The international original position parties are prevented by the veil of ignorance from knowing their generation; they would be concerned to minimize the risk that, when the veil is lifted, they might find themselves living in a world where resources have been largely depleted. Thus, part of the resource redistribution principle would set some standard for conservation against this possibility. The difficulties in formulating a standard of conservation are at least as formidable as those of defining the "just savings rate" in Rawls's discussion of justifiable rates of capital accumulation. I shall not pursue them here, except to point out that some provision for conservation as a matter of justice with respect to future generations would be necessary.³²

³¹ On this account, U. N. General Assembly Resolution 1,803 (XVII), which purports to establish "permanent sovereignty over natural resources," would be *prima facie* unjust. However, there are important mitigating factors. This resolution, as the text and the debates make clear, was adopted to defend developing nations against resource exploitation by foreign-owned businesses, and to support a national right of expropriation (with compensation) of foreign-owned mining and processing facilities in some circumstances. While the "permanent sovereignty" doctrine may be extreme, sovereignty-for-the-time-being might not be, if it can be shown (as I think it can) that resource-consuming nations have taken more than their fair share without returning adequate compensation from their own surpluses. United Nations General Assembly, *Official Records: Seventeenth Session*, Supp. no. 17 (A/5,217) (New York, 1963), pp. 15-16.

³² Compare Rawls, *A Theory of Justice*, pp. 284-93. There is a discussion that takes account of problems of conservation in D. Clayton Hubin, "Justice and Future Generations."

In failing to recognize resource problems, Rawls follows other writers who have extended the social-contract idea to international relations.³³ Perhaps this is because they have attributed a greater symmetry to the domestic and international contracts than is in fact appropriate. Resource problems do not arise as distinct questions in the domestic case because their distribution and conservation are implicitly covered by the difference principle and the just-savings principle. When the scope of social cooperation is coextensive with the territorial boundaries of a society, it is unnecessary to distinguish natural and social contributions to the society's level of well-being. But when justice is considered internationally, we must face the likelihood of moral claims being pressed by members of the various social schemes which are arbitrarily placed with respect to the natural distribution of resources. My suggestion of a resource redistribution principle recognizes the fundamental character of these claims viewed from the perspective of the parties' interests in securing fair conditions for the development of their respective schemes.

3. Interdependence and Global Distributive Justice

THE case for an international resource redistribution principle is consistent with the assumption that states are self-sufficient cooperative schemes. Aside from humanitarian principles, like that of mutual aid, a global resource redistribution principle seems to be the strongest distributive principle applicable to a world of self-sufficient states.

Now, of course, the world is not made up of self-sufficient

³³ The closest thing to a fully worked-out international contract theory in the literature is Christian Wolff's doctrine of the *civitas maxima*, a hypothetical superlegislature made up of representatives of all states which was imagined to formulate rules for conduct based on the true interests of the states. The doctrine is developed in Wolff, *Jus gentium methodo scientifica pertractatum* [1749], esp. Prolegomena, sec. 9, p. 12. There is a helpful discussion in Walter Schiffer, *The Legal Community of Mankind*, pp. 69-78.

states. States participate in complex international economic, political, and cultural relationships that suggest the existence of a global scheme of social cooperation. As Kant notes, international economic cooperation creates a new basis for international morality.³⁴ If social cooperation is the foundation of distributive justice, then one might think that international economic interdependence lends support to a principle of global distributive justice similar to that which applies within domestic society. In this section I explore this idea.

International interdependence is reflected in the volume of transactions that flow across national boundaries—for example, communications, travel, trade, aid, and foreign investment. Although there has been some disagreement about the significance of the increase, the level of interdependence, measured by transaction flows and ratios of trade to gross national products, appears to have risen since 1945, reversing an interwar trend on the basis of which some have argued that rising interdependence is a myth. Furthermore, there is every reason to believe that the rising trend, if not the rate of increase, will continue in the years ahead.³⁵

The main features of contemporary international interdependence relevant to questions of justice are the results of the growth of international investment and trade. Capital surpluses are not confined to reinvestment in the societies where they are produced, but instead are reinvested wherever conditions promise the highest yield without unacceptable risks. It is well known, for example, that large American corporations have systematically transferred significant portions of their capitalization to European, Latin American, and East Asian societies where labor costs are lower or markets are better. As a result of the long-term decline in tariffs and in non-tariff barriers to trade, the rise of international advertising,

³⁴ Immanuel Kant, *The Metaphysical Elements of Justice* [1797], pp. 124-29. See also Kant, *Perpetual Peace*, pp. 106-8.

³⁵ Peter J. Katzenstein, "International Interdependence: Some Long-term Trends and Recent Changes." See also R. Rosecrance, et al., "Whither Interdependence?," esp. pp. 432-41. For a skeptical view, see Kenneth N. Waltz, "The Myth of National Interdependence." Waltz's view is challenged in Richard Rosecrance, "Interdependence: Myth or Reality," which also provides a review of some other relevant literature.

and the development of rapid international communications, a world market has grown in which demand for finished goods is relatively insensitive to their place of manufacture, and international trade has increased substantially. The main organizational form to evolve in response to these trends is, of course, the multinational corporation, which makes possible greater refinements in the global allocation of capital investment, the coordination of production, and the development of markets.³⁶

It is clear that interdependence in trade and investment produces substantial aggregate economic benefits in the form of a higher global rate of economic growth as well as greater productive efficiency. These results would be predicted by neoclassical economic theory and seem to be confirmed by empirical studies, even those that recognize the presence of various political constraints on trade and of extensive oligopolistic practices among multinational corporations that might be thought to invalidate the predictions of economic theory.³⁷

It is easier to demonstrate that a pattern of global interdependence exists, and that it yields substantial aggregate benefits, than to say with certainty how these benefits are distributed under existing institutions and practices or what burdens these institutions and practices impose on participants in the world economy. There is considerable controversy about these matters, and it is only possible here to offer some illustrative observations. There are several reasons for thinking that interdependence widens the income gap between rich and poor countries even though it produces absolute gains for almost all of them. Because states have differing factor

³⁶ The main texts on multinationals are Raymond Vernon, *Sovereignty at Bay* and C. Fred Bergsten, Thomas Horst, and Theodore H. Moran, *American Multinationals and American Interests*. There is a more critical discussion in Richard Barnet and Ronald Müller, *Global Reach*, esp. chs. 1-2.

³⁷ In this regard, a stronger empirical case can be made for the aggregate gains from foreign investment than for those from trade. On the gains from trade, see Richard N. Cooper, "Economic Assumptions of the Case for Liberal Trade." On the role of foreign investment in promoting global efficiency and growth, see Robert O. Keohane and Van Doorn Ooms, "The Multinational Firm and International Regulation," pp. 172-76.

endowments and varying access to technology, even "free" trade can lead to increasing international distributive inequalities (and, on some views, to absolute as well as relative declines in the well-being of the poorest classes) in the absence of continuing transfers to those least advantaged by international trade.³⁸ Direct foreign investment in the guise of multinational corporate expansion appears in some instances to exacerbate international inequality. With their monopolies on technology, access to large amounts of capital, and capacity to transfer factors of production from country to country, multinational corporations are often able to extract monopoly rents by fixing prices in excess of competitive levels.³⁹ The political power of the corporations, together with their ability to move profits from one country to another through transfer pricing, sometimes allows them to avoid the efforts of national governments to capture domestic profits through corporate taxes.⁴⁰ On the other hand, the international distribution of the gains from trade and investment depends significantly on the relative power of domestic governments to control the behavior of locally owned as well as multinational firms, and there is evidence that some developing countries are growing more powerful in this regard. Because this political factor can vary widely from one country to the next, it can be argued that it is not interdependence per se, but contingent features of particular domestic political arrangements, that account for the present, apparently uneven, distribution of the gains from trade and investment.⁴¹

In some cases, participation in the world economy produces political inequality as well. Let us say that a party to some relationship is vulnerable to the extent that the relationship would be costly for that party to break. When breaking a

³⁸ Ronald Findlay, *Trade and Specialization*, pp. 118-22. For the view that trade absolutely impoverishes the global poor, see Michael Barratt Brown, *The Economics of Imperialism*, esp. ch. 5, pp. 96-126, and the references cited there.

³⁹ Constantine V. Vaitsos, *Intercountry Income Distribution and Transnational Enterprises*, pp. 19-30 and 42-65.

⁴⁰ Keohane and Ooms, "The Multinational Firm," pp. 177-78.

⁴¹ *Ibid.*, p. 178.

relationship would impose higher costs on one party than on another, the relatively less vulnerable party can use the threat to break the relationship as a form of power over the more vulnerable party. In international trade, the most vulnerable parties are usually those with a heavy concentration of exports in a few products and a heavy concentration of export markets in a few countries. The most striking political inequalities arising from asymmetrical vulnerability involve industrial countries and non-oil-exporting developing countries (although it is worth noting that such vulnerability is neither distributed equally among developing countries nor limited to them).⁴² This sort of vulnerability explains, for example, why the oil-poor developing countries have been so unsuccessful in winning concessions on trade policy from the industrial countries. A similar kind of vulnerability explains why the industrial countries have been able virtually to dictate economic policies to some developing countries that rely heavily for credit on such sources as the World Bank.

Perhaps the most damaging burdens of interdependence have to do with its domestic consequences. These fall into two main classes. First, domestic governments are likely to experience difficulty in controlling their own economies, since domestic economic behavior is influenced by economic developments elsewhere. For example, the global monetary system allows disturbances (like price inflation) in some countries to be transmitted to others, complicating economic planning and possibly undercutting employment and incomes policies.⁴³ The other class of burdens involves the domestic distributive and structural effects of participation in the world economy. It is impossible to generalize in this area because the effect of trade and investment on domestic income distribution is a function of features peculiar to particular countries, such as relative factor endowments, domestic market

⁴² Kal J. Holsti, "A New International Politics?" p. 516. For a more detailed discussion of the relative weakness of the poor countries, see Tony Smith, "Changing Configurations of Power in North-South Relations since 1945," esp. pp. 7-15.

⁴³ For a discussion, see Richard N. Cooper, "Economic Interdependence and Foreign Policy in the Seventies," esp. pp. 164-67.

imperfections, and government investment, tariff, and tax policies. However, with specific reference to the resource-poor developing countries, it is fair to say that participation in international trade and investment has often contributed to domestic income inequality in at least two separate ways: first, under prevailing political conditions, the gains from trade and the retained profits of foreign-owned firms have tended to be concentrated in the upper income classes; second, the political influence of foreign investors has (either directly or indirectly) supported governments committed to inegalitarian domestic distributive policies.⁴⁴ As above, it is important to add the caveat that the extent to which a country's international economic relations destabilize its domestic economy and contribute to internal inequality depends crucially on the policies pursued by its government.⁴⁵

It is not only true that interdependence involves a pattern of transactions that produce substantial benefits and costs; their increased volume and significance have led to the development of a global regulative structure. The world economy has evolved its own financial and monetary institutions, which set exchange rates, regulate the money supply, influence capital flows, and enforce rules of international economic conduct. The system of trade is regulated by international agreements on tariff levels and other potential barriers to trade. To these global institutions should be added such informal practices of economic policy coordination among national governments as those of the Organization for Economic Cooperation and Development, which are aimed at achieving agreement on a variety of domestic policies of local and international relevance. Taken together, these institutions and practices can be considered as the constitutional

⁴⁴ Keohane and Ooms, "The Multinational Firm," pp. 179-80.

⁴⁵ From the point of view of social theory, the important question raised by this observation is, to what extent and under what conditions is a government's choice of policies relevant to domestic income distribution influenced by its international economic relations? Since my argument does not turn on any particular response to this question, I shall not pursue it here. There is an illuminating discussion in Richard R. Fagen, "Equity in the South in the Context of North-South Relations."

structure of the world economy; their activities have important distributive implications.⁴⁶

I have been largely concerned with the economic institutions and processes characteristic of interdependence. But it should be noted that certain political and legal institutions also influence the global distribution of income and wealth. Thus, for example, international property rights assign exclusive ownership and control of a territory and its natural resources to the recognized government of the society established on it, or reserve partial or total control of common areas (the seas and outer space) to the international community.⁴⁷ Also, laws and conventions established or codified by treaty, and thus guaranteed by the *pacta sunt servanda* rule of customary international law, protect private foreign investment against expropriation without compensation.⁴⁸ Perhaps most important of all is the rule of nonintervention, which, when observed, has clear and sweeping effects on the welfare of people everywhere.⁴⁹

These facts, by now part of the conventional (if controversial) wisdom of international relations, describe a world in which national boundaries cannot be regarded as the outer limits of social cooperation. International interdependence involves a complex and substantial pattern of social interaction, which produces benefits and burdens that would not exist if national economies were autarkic. In view of these considerations, Rawls's passing concern for the law of nations seems to miss the point of international justice altogether. In an interdependent world, confining principles of social justice to domestic societies has the effect of taxing poor nations so

⁴⁶ This is recognized by those who hold that alternative international economic regimes should be assessed according to their distributive effects. See, for example, Robert E. Baldwin and David A. Kay, "International Trade and International Relations," pp. 121-24; C. Fred Bergsten, Robert O. Keohane, and Joseph S. Nye, Jr., "International Economics and International Politics," pp. 31-32.

⁴⁷ Ian Brownlie, *Principles of Public International Law*, pp. 109-29.

⁴⁸ *Ibid.*, pp. 516-28.

⁴⁹ For brief discussions, see James N. Rosenau, "Intervention as a Scientific Concept," pp. 161-63; and part two, above.

that others may benefit from living in "just" regimes. The two principles, so construed, might justify a wealthy society in denying aid to needy peoples elsewhere if the aid could be used domestically to promote a more nearly just regime. If the self-sufficiency assumption were empirically acceptable, such a result might be plausible, if controversial on other grounds.⁵⁰ But if participation in economic relations with the needy society has contributed to the wealth of the "nearly just" regime, its domestic "justice" seems to lose moral significance. In such situations, the principles of domestic "justice" will be genuine principles of justice only if they are consistent with principles of justice for the entire global scheme of social cooperation. Note that this conclusion does not require that national societies should have become entirely superfluous, or that the global economy should be completely integrated.⁵¹ It is enough, for setting the limits of cooperative schemes, that some societies are able to increase their level of well-being via global trade and investment while others with whom they have economic relations do not fare so well.⁵²

How should we formulate global principles? It has been

⁵⁰ For example, on consequentialist grounds. See Peter Singer, "Famine, Affluence, and Morality."

⁵¹ This conclusion would hold even if it were true that wealthy nations like the United States continue to be economically self-sufficient, as Kenneth Waltz has (mistakenly, I think) argued. To refute the claim I make in the text, it would be necessary to show that all, or almost all, nations are self-sufficient in the sense given above, and that such foreign relations as they engage in produce no significant external effects. This, plainly, is not the case. Waltz, "The Myth of National Interdependence," pp. 205-23.

⁵² In some cases the situation may be worse than this. It has been argued that some poor countries' relations with the rich have actually worsened economic conditions among the poor countries' worst-off groups. This raises the question of whether interdependence must actually benefit everyone involved to give rise to questions of justice. I think the answer is clearly negative; countries A and B are involved in social cooperation even if A (a rich country) could get along without B (a poor country), but instead exploits it, while B gets nothing out of its "cooperation" but exacerbated class divisions and Coca-Cola factories. This illustrates my remark (section 1, part three) that Rawls's characterization of a society as "a cooperative venture for mutual advantage" (*A Theory of Justice*, p. 4) may be misleading, since everyone need not be advantaged by the cooperative scheme in order for requirements of justice to apply.

suggested that Rawls's two principles, suitably reinterpreted, could themselves be applied globally.⁵³ The reasoning is as follows: if evidence of global economic and political interdependence shows the existence of a global scheme of social cooperation, we should not view national boundaries as having fundamental moral significance. Since boundaries are not coextensive with the scope of social cooperation, they do not mark the limits of social obligations. Thus the parties to the original position cannot be assumed to know that they are members of a particular national society, choosing principles of justice primarily for that society. The veil of ignorance must extend to all matters of national citizenship, and the principles chosen will therefore apply globally.⁵⁴ As Barry points out, a global interpretation of the original position is insensitive to the choice of principles.⁵⁵ Assuming that Rawls's arguments for the two principles are successful, there is no reason to think that the content of the principles would change as a result of enlarging the scope of the original position so that the principles would apply to the world as a whole. In particular, if the difference principle ("social and economic inequalities are to be arranged so that they are . . . to the greatest benefit of the least advantaged") would be chosen in the domestic original position, it would be chosen in the global original position as well.

I have noted that there is considerable controversy about the international and domestic distribution of the benefits and costs of interdependence. Clearly, we cannot settle this controversy here. Someone might object that an argument with potentially far-reaching conclusions should not be allowed to rest on such an insecure empirical foundation. But

⁵³ Barry, *The Liberal Theory of Justice*, pp. 128-32; and Scanlon, "Rawls' Theory of Justice," pp. 1,066-67.

⁵⁴ David Richards also argues that the principles apply globally. But he fails to notice the relationship between distributive justice and the morally relevant features of social cooperation on which its requirements rest. This relationship is needed to explain why the original position parties should be kept ignorant of their nationalities, and thus why Rawlsian principles of social justice should apply globally. See David A. J. Richards, *A Theory of Reasons for Action*, pp. 137-41.

⁵⁵ Barry, *The Liberal Theory of Justice*, p. 129.

this would misunderstand the argument, which does not depend on the accuracy of any particular claims regarding the distributional consequences of interdependence. What is important in demonstrating that interdependence constitutes social cooperation in the relevant sense is that international economic relations be shown to produce significant aggregate benefits and costs that would not exist if states were economically autarkic, and this, I believe, is beyond dispute. My claims about the distribution of these benefits and costs illustrate that aggregate benefits and costs do not exist simply as an aggregate, but rather fall under the control of one or another agent; *some* distribution is entailed by their very existence. But it is not necessary for my argument that the existing distribution conform to any particular pattern, nor, as it might be supposed, that the existing distribution is in any sense unjust. (Indeed, it is not clear that an argument terminating in a principle of distributive justice could coherently involve any such premise; we cannot say that any particular distribution is unjust until we know what justice is.) All that is required is that interdependence produce benefits and burdens; the role of a principle of distributive justice, then, would be to specify what a fair distribution of those benefits and burdens would be like.⁵⁶

It is important to be clear who are the subjects of a global difference principle, especially because it has been questioned whether such a principle should apply to states rather than persons.⁵⁷ It seems obvious that an international difference principle applies to persons in the sense that it is the globally least advantaged representative person (or group of persons) whose position is to be maximized.⁵⁸ If one takes the position

⁵⁶ I previously suggested that the case for an international difference principle depends on the truth of hypotheses from "dependency theory" regarding the costs to poor countries of participation in international economic relations. The suggestion was excessive, since the argument needs only the more modest empirical claims made in the text above. The relevant passage is in "Justice and International Relations," pp. 373-75.

⁵⁷ For example, by Robert W. Tucker, *The Inequality of Nations*, pp. 62-64.

⁵⁸ This would be obscured if one supposed (as has Christopher Brewin) that the parties to the international original position "would be masterless or sovereign states." But the supposition is incorrect (and perhaps incoherent);

of the least-advantaged group as an index of distributive justice, there is no a priori reason to think that the membership of this group will be coextensive with that of any existing state. Thus, a global difference principle does not *necessarily* require transfers from rich countries as such to poor countries as such. While it is almost certainly the case that an international difference principle would require reductions in intercountry distributive inequalities, this would be because these inequalities are consequences of impermissible interpersonal inequalities. Furthermore, because the difference principle applies in the first instance to persons, it would also require intrastate inequalities to be minimized if necessary to maximize the position of the (globally) least advantaged group.

It is not inconsistent with this view to understand states as the primary "subjects" of international distributive responsibilities.⁵⁹ For it may be that states, as the primary actors in international politics, are more appropriately situated than individual persons to carry out whatever policies are required to implement global principles. Perhaps intercountry redistribution should be viewed as a second-best solution in the absence of a better strategy for satisfying a global difference principle. In any event, it should be understood that the international obligations of states are in some sense derivative of the more basic responsibilities that persons acquire as a result of the (global) relations in which they stand.⁶⁰

the parties are *persons*, and the international original position is distinguished from the domestic one by stipulating the parties' ignorance of their citizenship. Brewin, "Justice in International Relations," p. 147.

⁵⁹ As Tucker suggests. *The Inequality of Nations*, pp. 62-64.

⁶⁰ The relation of individual and group responsibilities is a difficult issue, involving a variety of complications. I cannot pursue it here. See Joel Feinberg, "Collective Responsibility"; and Virginia Held, "Can A Random Collection of Individuals Be Morally Responsible?"

4. Contrasts between International and Domestic Society

THE conclusion that principles of distributive justice apply globally follows from the premise that international economic interdependence constitutes a scheme of social cooperation like those to which requirements of distributive justice have often been thought to apply. This is the most important normative consequence of my argument (in part one) that international relations is more like domestic society than it is often thought to be. One might accept this premise but reject the conclusion on either of two grounds. First, one might hold that interdependence is a necessary but not a sufficient condition for the global application of principles of justice, and that other necessary conditions (like the existence of political institutions or of a capacity for a sense of justice) do not obtain in international relations. Second, one might argue that special features of social cooperation within national societies organized as states override the requirements of global principles, so that these cannot be understood as ultimate. In this and the following sections, I explore these objections.

There is no doubt that the main difference between international relations and domestic society is the absence in the former case of effective decision-making and decision-enforcing institutions. There is no world constitution analogous to those explicit or implicit codes that define the structure of authority within states. And there is no world police force capable of enforcing compliance with world community policies. Instead, there is an array of processes and institutions through which states and other political actors attempt to influence one another and which, directly or indirectly, affect the prospects of the persons who live within their scope. These processes and institutions range from war and coercive diplomacy to ad hoc bargaining and transnational organizations. Even in the last case, which most resembles the political institutions of domestic society, there is a significantly diminished capacity to make decisions and enforce them

against offenders. Although one must grant (as I argued in part one) that the international realm includes various capacities for sanctions and enforcement of community decisions, one cannot plausibly argue that these are similar in extent to those characteristic of most domestic societies. In particular, there is at present no reliable way of enforcing compliance with international redistributive policies. (The United Nations, for example, has been unable to persuade rich countries to contribute even three-quarters of one percent of their gross products to international development efforts.)

A related contrast between the international and domestic realms is the absence of what might be called an international sense of community. Within domestic society, the sense of community is an important motivational basis for compliance with laws and official decisions. Rawls recognizes this in arguing that compliance with the principles of justice rests on the fact that persons have a capacity for a sense of justice, and that this capacity would be developed by participation in the life of a well-ordered society (i.e., one whose basic structure conformed to the two principles).⁶¹ In international relations, there is no similar sense of community; nor are most people moved to act by any commitment to ideals like global justice. One might think that the world is simply too large, and its cultures too diverse, to support a global sense of justice. Unifying symbols are scarce while sectional ones are all too available; and, in any event, it is a commonplace that the political force of a symbol decreases in proportion to the degree of abstraction of the symbol from the immediate needs and interests of individuals and small groups. Thus, it is unlikely that a sense of global community comparable to the sense of national community will develop.

How are these contrasts relevant to the argument for international distributive justice? Objections to global principles might be constructed following the precept that morality cannot demand the impossible. As Rawls points out, the parties to the original position would not choose principles they

⁶¹ Rawls, *A Theory of Justice*, pp. 496-504.

know they cannot live by.⁶² Nor, surely, would they choose principles that cannot be implemented. If the lack of effective, global political institutions, or of a sense of world community, makes impossible the implementation of global principles, then the parties would not agree to them.

Such objections are not persuasive because they misunderstand the relation between ideal theory and the real world. Ideal theory prescribes standards that serve as goals of political change in the nonideal world, assuming that a just society can, in due course, be achieved. The ideal cannot be undermined simply by pointing out that it cannot be achieved at present. One needs to distinguish two classes of reasons for which it may be impossible to implement an ideal. One class includes impediments to change that are themselves capable of modification over time; the other includes impediments that are unalterable and unavoidable. Only in the second case can one appeal to the claim of impossibility in arguing against an ideal, since, in the former case, such an argument can be defeated by pointing out the mutability of those social facts that are supposed to render the ideal unattainable in the present.

Both of the objections sketched seem to rely on impediments to implementation of a global difference principle that are capable of modification over time. There is no evidence that it is somehow given in the nature of things that people can neither develop sufficient motivation for compliance nor evolve institutions capable of enforcing global principles against offenders. I am not claiming that either of these would be easy or that we can foresee the dynamics by which they may come about. But this is not what ideal theory requires. It requires only that the necessary changes be possible, and it is at least not demonstrably false that this is the case.⁶³

⁶² *Ibid.*, p. 145.

⁶³ "[T]he idea that something which has hitherto been unsuccessful will never be successful does not justify anyone in abandoning even a pragmatic or technical aim. . . . This applies even to moral aims, which, so long as it is not demonstrably impossible to fulfil them, amount to duties." Kant, "On the Common Saying: 'This May be True in Theory, but it does not Apply in Practice' " [1793], p. 89.

A different interpretation of these objections is that neither authoritative global institutions, nor a sense of global justice, would be desirable even if they were attainable. Perhaps authoritative institutions on such a scale would be radically inefficient, or unavoidably oppressive, politics being what it is.⁶⁴ Or, perhaps the sense of justice is important not only as a motive for compliance with principles of justice, but also as a source of a people's common, and distinctive, identity. This might be thought to be an important good because it speaks to people's need to belong to a group that is smaller than the whole population of the world.⁶⁵ If this is true, then a sense of global justice might seem to carry allegiance to political ideals farther than is desirable.

In response to these objections it might be pointed out that the institutions and sentiments on which compliance with global principles is based need not bear too close a resemblance to their domestic analogues. In each case, some function must be fulfilled to make possible the implementation of global principles, but these functions need not be fulfilled through mechanisms like those familiar in domestic society. It is a mistake to identify too closely the scope of the principles and the scope of the institutions necessary to implement them, for a variety of configurations of institutions can be imagined (for example, a coordinated set of regional institutions) that would implement the principles. Similarly, the supposed undesirability of a sense of global justice rests on a conflation of the regulative role of the sense of justice and many other functions fulfilled by loyalties to subgroups of the species. While a common allegiance to justice is necessary to promote compliance with its norms and to regulate institutions that implement them, there is no obvious reason why

⁶⁴ Such a view is suggested by Kenneth N. Waltz, *Man, The State, and War*, p. 228; and Inis L. Claude, *Power and International Relations*, pp. 206-28.

⁶⁵ See, e.g., Sigmund Freud, *Civilization and its Discontents* [1930], p. 61; and Emile Durkheim, *Moral Education* [1925], pp. 74-77. Durkheim does not draw the extreme conclusion that the need for state-centered loyalties entirely undermines international morality. In fact, he claims that domestic society "can enjoy moral primacy only on the condition that it is not conceived as an unscrupulous self-centered being." *Moral Education*, p. 79.

this would be inconsistent with the persistence of those loyalties to smaller groups necessary to feelings of belonging and identity.⁶⁶

The contrasts between international and domestic society, then, do not damage the argument for a global application of the difference principle. But the effect of distinguishing ideal from nonideal theory for the purpose of defeating such objections does not make the objections disappear; it merely recognizes that their relevance is not to the ideal of global distributive justice, but rather to the problem of realizing this ideal. In general, this problem is likely to be more difficult in international relations than in domestic society because the institutional framework of international relations is less capable of bringing about the shifts in the distribution of wealth and power required by the global difference principle. Below, I shall consider this problem in more detail. For the present, I would like briefly to illustrate one way in which the relative weakness of international institutions complicates nonideal theory. The illustration is of general interest because it involves the relation of fair coercive institutions to the sacrifices that can be required of people by moral principles.

An important feature of fair coercive institutions (that is, coercive institutions that are just or nearly just) is that they give assurance to those whom they call upon to make sacrifices that others in similar circumstances will be compelled to make similar sacrifices. So far as it is possible, such institutions seek to remove the unfairness inherent in the possibility that some of their members can avoid contributing their fair share by becoming free riders.⁶⁷ It is not only fairness that

⁶⁶ As Herbert Kelman points out in "Education for the Concept of a Global Society," p. 661. Compare Rawls's discussion of this issue as it arises in domestic society: "[T]he institutional scheme in question may be so large that particular bonds never get widely built up. In any case, the citizen body as a whole is not generally bound together by fellow feeling between individuals, but by the acceptance of public principles of justice." (*A Theory of Justice*, p. 477.) There is nothing in the global interpretation that defeats this reasoning; if it is plausible at the national level, it is plausible at the global level as well.

⁶⁷ For a general discussion, see James M. Buchanan, *The Demand and Supply of Public Goods*, pp. 77-99, and the references cited there.

makes this a significant feature of coercive institutions; the perception that such institutions can assure a fair distribution of the burdens of social cooperation is likely to be an important source of the motivation for compliance. One reason that obligations of charity often seem weaker than obligations of justice is that charity is more often voluntary in the sense that its demands are not backed up by the coercive power of the state. One can beg off on the grounds that he or she would be unfairly disadvantaged by his or her contribution in comparison with others who do not contribute, or that his or her contribution, in the absence of cooperation by others, would be futile. But these alternatives are not available when there is assurance that each will be compelled to contribute his or her fair share.

Now in international relations this assurance is often absent. In this limited respect, the problem of bringing about international distributive justice is similar to that of escaping a Hobbesian state of nature. In both cases, the absence of fair coercive institutions—which makes more probable the absence of reliable expectations of reciprocal compliance—undermines the motivational basis for compliance with principles of justice. In both cases, the solution of the assurance problem is effective coordination of the actions of all of the actors involved. But there are important differences as well. First, the risks of voluntary compliance are different. Moral persons in Hobbes's state of nature risk death, while in international relations they risk relative deprivation. Hobbes's problem is survival, while the problem in the present case is international distributive justice. Second, as I argued in part one, there are greater possibilities for coordination in international relations than in the state of nature. The assurance problem is more easily solved. Third, international relations involves a variety of institutions, which can be adjusted to improve the justice of the distribution they produce, while the state of nature lacks analogous institutions bearing on personal security. In sum, one can imagine a variety of intermediate solutions to the problem of implementing international distributive principles—intermediate in the sense of bringing the actual distribution closer to the ideal than it is at

present—but it is hard to see what an intermediate solution would mean in the state of nature.

Thus the relevance of the contrasts between international relations and domestic society is to be found in the area of nonideal theory. These contrasts do not undermine the argument for a global application of principles of justice, but rather complicate the moral reasoning as well as the political action involved in the effort to realize the ideal. Unlike the partially analogous problem of escaping from a Hobbesian state of nature, however, the complications in the nonideal theory of international relations render justified political action more difficult, but not impossible in principle. (See further section 6, below.)

Although conceding all that I have said so far, someone might object that there is still an important difference between domestic and international "social cooperation." While the terms of participation in domestic society apply to its members regardless of their consent and may therefore appropriately be assessed from the standpoint of justice, it might be thought that participation in the world economy is considerably more voluntary. After all, no state is required to participate in international trade or to accept foreign investment, and any state could withdraw at will (following the example, say, of Albania or Cambodia). By participating, states might be said to have accepted the terms of participation offered them, making further moral criticism of those terms otiose.

The objection seems plausible only because it locates the alleged voluntariness of international economic relations in the wrong place. Of course it is usually true that a party to some ongoing pattern of exchange can withdraw if the terms of exchange are too costly, but this is not the respect in which most international economic relationships are nonvoluntary from the point of view of their worse-off participants. Relationships might also be nonvoluntary if the relatively weaker partner lacks the resources to bargain effectively for different terms of exchange. In effect, the terms are set by the more powerful partner; they appear as a *fait accompli* to those who are unable to change them. Since withdrawal may be immensely costly

(as, for example, it would be to a vulnerable poor country with only one export crop), there may be no practical alternative to accepting the terms of trade that are effectively dictated by those with greater power. This is not a situation to which one can be morally indifferent, because the reasons for the weak state's relative vulnerability are usually beyond its control, having to do, for example, with the uneven distribution of wealth-producing resources or the effects of past injustices.⁶⁸ It is a victim of natural and historical facts, from which others have no moral right to benefit. Thus, one needs to ask by what standards of fairness the international economic order can be assessed.

5. The Rights of States

ITURN now to another set of objections, according to which considerations of social cooperation at the national level justify distributive claims capable of overriding the requirements of a global difference principle. Typically, members of a wealthy nation might claim that they deserve a larger share than that provided by a global difference principle because of their superior technology, economic organization, and efficiency.⁶⁹

Objections of this general sort might take several forms. First, it might be argued that even in an interdependent world, national society remains the primary locus of one's political identification. If one is moved to contribute to aggregate social welfare at any level, this level is most likely to be the national level. Therefore, differential rates of national

⁶⁸ Should a state be held responsible for its vulnerability or poverty to the extent that these are caused by the absence of effective population-control policies? I think not, but cannot argue it here. For a penetrating discussion, see Henry Shue, "Food, Population, and Wealth: Toward Global Principles of Justice."

⁶⁹ More crudely: "[N]ational wealth is something that is earned by the capacities of the country's people and the policies of its Government; it is not something that is just shifted around." Robert Moss, "Let's Look Out for No. 11," p. 100.

contribution to the global welfare ought to be rewarded proportionally. This is a plausible form of the objection; the problem is that in this form it may not be an objection at all. The difference principle itself recognizes the probability that differential rates of reward may be needed as incentives for contribution; it requires only that the distributive inequalities that arise in such a system be to the greatest benefit of the world's least advantaged group. To the extent that incentives of the kind demanded by this version of the objection actually do raise the economic expectations of the least advantaged without harming them in other ways, they would not be inconsistent with the difference principle.

Such objections only count against a globalized difference principle if they hold that a relatively wealthy nation could claim more than its share under the difference principle. That is, the objection must hold that some distributive inequalities are justified even though they are not to the greatest benefit of the world's least advantaged group. How could such claims be justified? One justification is on grounds of personal entitlement, appealing to the intuition that value created by someone's unaided labor or acquired through voluntary transfers is properly one's own, assuming that the initial distribution was just.⁷⁰ This second sort of argument yields an extreme form of the objection. It holds that a nation is entitled to its relative wealth because each of its citizens has complied with the relevant rules of justice in acquiring raw materials and transforming them into products of value. These rules might require, respectively, that an equitable resource redistribution principle has been implemented, and that no one's rights have been violated (for example, by imperial plunder) in the process of acquisition and production leading to a nation's current economic position. (Note that my arguments for a resource principle, in section 2, are not touched by this sort of objection and would impose some global distributive obligations even if the personal-entitlement view were correct in ruling out broader global principles.)

⁷⁰ This is Robert Nozick's view in *Anarchy, State, and Utopia*, ch. 7.

This interpretation of the objection is analogous to the conception of distributive justice that Rawls calls the "system of natural liberty." His objection to such views is that they allow people to compete for available positions on the basis of their talents, making no attempt to compensate for deprivations that some suffer because of natural chance and social contingencies. These things, as I have said, are held to be morally arbitrary, and hence unacceptable as standards for distribution.⁷¹ I shall not rehearse this argument further here. But two things should be noted. The argument seems even more plausible from the global point of view since the disparity of possible starting points in world society is so much greater. The balance between "arbitrary" and "personal" contributions to my present well-being seems decisively tipped toward the arbitrary ones by the realization that, no matter what my talents, education, life goals, etc., I would have been virtually precluded from attaining my present level of well-being if I had been born in a much less developed society. Also, if Rawls's counterargument counts against natural-liberty views in the domestic case, then it defeats the present objection to a globalized difference principle as well. Citizens of a society cannot base their claims to a larger distributive share than that warranted by the difference principle on morally arbitrary factors.

A third, and probably the most plausible, form of this objection is that a wealthy nation may retain more than its share under a global difference principle, provided that some compensation for the benefits of global social cooperation is paid to less fortunate nations, and that the amount retained by the producing nation is used to promote domestic justice—for example, by increasing the prospects of the nation's own least favored group. The underlying intuition is that citizens owe some sort of special obligation to the less fortunate members of their own society that is capable of overriding their general obligation to improve the prospects of less advantaged groups elsewhere. This intuition is distinct from that in the personal-entitlement case, for it does not refer to any putative

⁷¹ Rawls, *A Theory of Justice*, pp. 66-72.

individual right to the value created by one's labor or acquired through voluntary transfers. Instead, we are here concerned with supposedly conflicting rights and obligations that arise from membership in nested schemes of social cooperation, one embedded in the other.

An argument along these lines needs an account of how obligations to the sectional associations arise. It is tempting, though unhelpful, to bring in psychological considerations here: for example, one might point out that the sentiment of nationality is stronger than that of humanity and argue that the difference principle therefore applies in full force only inside national societies.⁷² Now those who would pursue this line must recognize that any account of how institutional obligations arise that is sufficiently psychological to make plausible a general conflict of global and sectional obligations will probably be too psychological to apply to the large modern state.⁷³ If this is true, then proponents of this view face a dilemma: either they must endorse the strongly counterintuitive conclusion that obligations of justice may not even hold within large modern states and are appropriate primarily within smaller solidaristic communities or organic groups; or they must agree that obligations of justice may be justified by considerations other than those of strong common sentiment. The first alternative seems clearly unacceptable, but the second implies that domestic and international obligations cannot be distinguished with reference to the supposedly unique psychological features of membership in national societies.

Even if this last point is incorrect, there is a more fundamental problem with the suggestion that sentiments of nationality support especially strong intranational distributive obligations. The difficulty is that it is not obvious why we should attach objective moral weight to national sentiments even where they are widely felt. Why should sectional loyalties diminish global obligations based on participation in the world economy? (This question should be distinguished from that considered in section 4, concerning the realism of the as-

⁷² For a suggestive account of a similar problem, see Michael Walzer, "The Obligation to Disobey."

⁷³ Compare Rawls, *A Theory of Justice*, p. 477.

sumption that persons are motivationally capable of acting on a global difference principle.)

To attempt to answer this question, it is necessary to look behind the sentiments that people experience to the forms of social interaction in which they take part. Accordingly, one might say that the greater degree or extent of social cooperation in national societies (compared with that in international society) justifies stronger intranational principles of justice. Imagine a world of two self-sufficient and internally just societies, A and B. Assume that this world satisfies the appropriate resource redistribution principle. Imagine also that the least-advantaged representative person in society A is considerably better off than his counterpart in society B. While the members of A may owe duties of mutual aid to the members of B, it is clear that they do not also have duties of justice, because the two societies, being individually self-sufficient, do not share membership in a cooperative scheme. Now suppose that the walls of self-sufficiency are breached very slightly; A trades its apples for B's pears. Does this mean that the difference principle suddenly applies to the world that comprises A and B, requiring A to share all of its wealth with B, even though almost all of its wealth is attributable to economic interaction within A? It seems not; one might say that an international difference principle can only command redistribution of the benefits derived from international social cooperation or economic interaction. It cannot touch the benefits of domestic cooperation.

It may be that some such objection will turn out to require modifications of a global difference principle. But there are reasons for doubting this. Roughly, it seems that there is a threshold of interdependence above which distributive requirements like a global difference principle are valid, but below which significantly weaker principles hold. To see why this formulation has intuitive appeal, consider another hypothetical case. Suppose that, *within* a society, there are closely knit local regions with higher levels of internal cooperation than the level of cooperation in society as a whole. Certainly there are many such regions within a society like the United States. The argument rehearsed above, applied to closely knit

localities within national societies, would seem to give members of the localities special claims on portions of their wealth. This seems implausible, especially since such closely knit enclaves might well turn out to contain disproportionate numbers of the society's most advantaged classes. Why does this conclusion seem less plausible than that in the apples and pears case? It seems to me that the answer has to do with the fact that the apples and pears case looks like a case of voluntary, free market bargaining, which has only a marginal effect on the welfare of the members of each society, whereas we assume in the intranational case that there is a nonvoluntary society-wide system of economic institutions, which defines starting positions and assigns economic rights and duties. It is these institutions—what Rawls calls "the basic structure"⁷⁴—that stand in need of justification, because, by defining the terms of cooperation, they have such deep and pervasive effects on the welfare of people to whom they apply regardless of consent.

The apples and pears case, of course, is hardly a faithful model of the contemporary world economy. Suppose that we add to the story to make it resemble the real world more closely. As my review of the current situation (section 3, part three) makes clear, we would have to add just those features of the contemporary world economy that find their domestic analogues in the basic structure to which principles of justice apply. As the web of transactions grows more complex, the resulting structure of economic and political institutions acquires great influence over the welfare of the participants, regardless of the extent to which any particular one makes use of the institutions. These features make the real world situation seem more like the case of subnational, closely knit regions, than like the apples and pears case.

These considerations suggest that the amount of social and economic interaction in a cooperative scheme does not provide a straightforward index of the strength of the distributive principle appropriate to it. The existence of a nonvoluntary institutional structure, and its pervasive effects on the

⁷⁴ Ibid., pp. 7-11.

welfare of the cooperators, seem to provide a better indication of the strength of the appropriate distributive requirements. This sort of consideration would not necessarily support a globalized difference principle in the apples and pears case; but it does explain why, above a threshold measure of social cooperation, the full force of the difference principle may come into play despite regional variations in the amount of cooperation.⁷⁵

Someone might think that a fourth version of the objection could be formulated by taking into account considerations about capital accumulation on behalf of future generations within national societies. The argument would be that people have a right to assurance that the capital they save for the sake of their descendants will actually be used for that purpose, rather than be distributed globally as the global difference principle might require. The idea here is that national societies can be conceived as cooperative schemes extending over time, in which earlier generations make sacrifices to raise the level of well-being of succeeding generations.⁷⁶ On reflection, however, it should be clear that this view is not distinct from versions of the objection previously considered. In fact, it is parasitic on them; if the previous versions are found wanting, considerations about domestic capital accumulation do not strengthen them.

The key question is why these considerations are thought to undermine the argument for global redistribution. There seem to be two possible replies. First, on the model of inheritance, one might visualize capital accumulation as the result of saving within a family, with wealth passed from one generation to the next in a series of private transfers. On this

⁷⁵ I do not claim to have resolved entirely the problem that underlies this objection, although I believe that my remarks point in the right direction. It should be noticed, however, that what is at issue here is really a general problem for any theory that addresses itself to institutional structures rather than to particular transactions. One can always ask why institutional requirements should apply in full force to persons who make minimal use of the institutions they find themselves living under.

⁷⁶ Such an argument is made by W. H. Hutt, "Immigration under 'Economic Freedom,'" p. 36, quoted in Danielson, "Theories, Intuitions, and World-Wide Distributive Justice," p. 335.

view, considerations about capital accumulation count against global redistribution for the same reason that they count against all redistribution: redistribution involves a violation of rights of inheritance. But rights of inheritance, in this sense, are simply species of the more general right of voluntary transfer on which natural-liberty and personal-entitlement views are based. The rejection of such views takes with it the justification of unrestricted rights of inheritance and therefore dissolves the foundation of the related objections to global redistribution.

The other reply to the question about why considerations about capital accumulation undermine the argument for global redistribution involves the model of social savings. Capital accumulated by one generation is passed on within a society but is distributed according to the society's allocative decision procedure. The explanation of why social savings should be used for the benefit of the members of the society in which they were generated rather than be redistributed globally must be that members of a national society have special claims to (portions of) their wealth, perhaps based on a supposed obligation to give special attention to the needs of the less fortunate members of their own society. But, again, such a view needs an account of how special obligations to sectional associations arise, and the attempt to supply such an account will encounter the same problems discussed with respect to the third interpretation of the objection. It follows that considerations about capital accumulation on behalf of future generations do not lend any independent strength to the objection that members of domestic societies have special rights to portions of their own product that undermine a global difference principle.

I have considered several versions of the objection that relatively well-off states have special claims on portions of their domestic products that would offset their global redistributive obligations. None of these versions of the objection appears to damage the argument for a global difference principle. However, it is worth pointing out that global redistributive obligations would not be entirely extinguished even if one or another of these versions of the objection could be made con-

vincing. Suppose, for example, that the second version, based on individual entitlement, could be defended. It would not follow that there are no international redistributive obligations founded on justice because that version of the objection involves two premises that are probably contrary to fact: first, that the distribution of natural resources conforms to the requirements of the global resource principle, and second, that the effects of past injustices (stemming either from resource exploitation or violation of the relevant principles of justice in acquisition and transfer) have been rectified. A showing that either premise is false would lend support to an argument for some global redistribution to compensate for the uneven distribution of natural resources or to rectify past injustices. Or suppose that the third version of the objection, based on the greater intensity of social cooperation inside as compared to across national boundaries, could be defended. At a minimum it would still follow from my previous arguments that a global resource principle applies and that that portion of the global product actually attributable to global (as opposed to domestic) social cooperation should be redistributed according to a suitably restricted difference principle. In any event, if this general line of objection could somehow be made good, the question would not be whether there are global distributive obligations founded on justice, but rather to what extent considerations relevant to the special features of cooperation within national societies modify the strongly egalitarian tendencies of the global standard. And, in view of the large distributive inequalities that currently exist, it seems likely that the existing distribution would still be unjust.

6. Applications to the Nonideal World

THUS far, we have reached two main conclusions. First, assuming national self-sufficiency, Rawls's derivation of the principles of justice for the law of nations is incomplete. He neglects resource redistribution, a subject that would surely

be on the minds of the parties to the international original position. But second, the self-sufficiency assumption, upon which Rawls's entire consideration of the law of nations rests, is not justified by the facts of contemporary international relations. The state-centered image of the world has lost its normative relevance because of the rise of global economic interdependence. Hence, principles of distributive justice must apply in the first instance to the world as a whole, and derivatively to nation-states. The appropriate global principle is Rawls's difference principle, perhaps modified by some provision for intranational redistribution in relatively wealthy states once a threshold level of international redistributive obligations has been met. In conclusion, I would like to consider the implications of this ideal theory for international politics and global change in the nonideal world.

We might begin by asking, in general, what relevance social ideals have for politics in the real world. Their most obvious function is to describe a goal toward which efforts at political change should aim. A very important natural duty is the natural duty of justice, which "requires us to support and to comply with just institutions that exist and . . . constrains us to further just arrangements not yet established, at least if this can be done without too much cost to ourselves."⁷⁷ By supplying a description of the nature and aims of a just world order, ideal theory "provides . . . the only basis for the systematic grasp of these more pressing problems."⁷⁸ Ideal theory, then, supplies a set of criteria for the formulation and criticism of strategies of political action in the nonideal world, at least when the consequences of political action can be predicted with sufficient confidence to establish their relationship to the social ideal. Clearly, this task is not easy, given the complexities of social change and the uncertainties of prediction in political affairs. There is the additional complication that social change is often wrongly conceived as a progressive approximation of actual institutions to ideal prescriptions in which people's welfare steadily improves. An adequate social theory must avoid both the pitfalls of a false incrementalism

⁷⁷ Rawls, *A Theory of Justice*, p. 155.

⁷⁸ *Ibid.*, p. 9.

and what economists call the problem of second best.⁷⁹ But a coherent social ideal is a necessary condition of any attempt to conquer these difficulties.

Ideal justice, in other words, comes into nonideal politics by way of the natural duty to secure just institutions where none presently exist. The moral problem posed by distinguishing ideal from nonideal theory is that in the nonideal world, the natural duty of justice is likely to conflict with other natural duties, while the theory provides no mechanism for resolving such conflicts. For example, it is possible that a political decision that is likely to make institutions more just may also involve violations of other natural duties, like the duty of mutual aid or the duty not to harm the innocent. Perhaps reforming some unjust institution will require disappointment of expectations formed under the old order. The principles of natural duty in the nonideal world are relatively unsystematic, and we have no way of knowing which should win out in case of conflict. Rawls recognizes the inevitability of irresolvable conflicts in some situations, but, as Feinberg has suggested, he underestimates the role that an intuitive balancing of conflicting duties must play in nonideal circumstances.⁸⁰ It may be that the solution to problems of political change in radically unjust situations must rely on a consequentialist calculation of costs and benefits.⁸¹ If this is true, then political change in conditions of great injustice marks one kind of limit of the contract doctrine, for in these cases the principles of justice collapse into consequentialism. Nevertheless, these considerations shed light on the normative problems we encounter in coping with global injustice, as I shall try to show briefly with respect to the question of development aid and international economic reform.

The duty to further just institutions where none exist endows certain political claims made in the nonideal world with a moral seriousness that does not derive merely from the

⁷⁹ On the problem of second best, see Brian Barry, *Political Argument*, pp. 261-62.

⁸⁰ Rawls, *A Theory of Justice*, p. 303; Joel Feinberg, "Duty and Obligation in the Nonideal World."

⁸¹ As Rawls implies. *A Theory of Justice*, pp. 352-53.

duties that bind people regardless of the existence of co-operative ties. When the contract doctrine is interpreted globally, claims made by, or on behalf of, the less advantaged in today's nonideal world appeal to principles of global justice as well as to the duty of mutual aid. Those who are in a position to respond to these claims must take account of the reasons provided by the principles of justice in weighing their response. Furthermore, by interpreting the principles globally, we remove a major source of justifying reasons for not responding more fully to such claims. These reasons derive from statist concerns—for example, from a supposed right to reinvest domestic surpluses in national societies that are already relatively favored from a global point of view. Obviously, political considerations may make unavoidable levels of domestic reinvestment in excess of those that would be ideally just. But it should not be argued that citizens of wealthy nations have general rights to retain their domestic products, which override their obligations to advance the welfare of less-advantaged persons elsewhere.

These theoretical points have several practical consequences. Most clearly, the existence of global redistributive obligations strengthens the moral case for foreign aid. In the past, aid has often been regarded as a kind of international charity. Like charitable contributions, contributions to the economic development of poor countries have been understood to be morally discretionary and properly subject to various kinds of political restrictions. Moreover, the duty to give aid could be acknowledged without compromising the moral basis of existing legal property rights. Once the existence of global redistributive obligations founded on justice is recognized, however, the view of aid as charity must be given up. It is inappropriate to regard foreign assistance as discretionary in the way charitable contributions are, nor can the attachment of political conditions be easily defended (except in one sort of case, noted below). Furthermore, one cannot acknowledge a duty of justice to contribute to economic development elsewhere without acknowledging that existing legal property rights lack a firm moral foundation. Aid should not be regarded as a voluntary contribution of a portion of a state's

own wealth, but rather as a transfer of wealth required to redress distributive injustice.⁸²

At the same time, the fact that the global difference principle ultimately applies to persons suggests that it might not be fully satisfied simply by intercountry transfers. I emphasized above that it is the least advantaged representative *person* whose position is to be maximized. In the context of nonideal theory, this has two important implications. First, in formulating aid programs, donor countries and agencies should take account of the special weight to be placed on improvements in the welfare of the world's worst-off groups, and with respect to particular recipient countries, attempt to direct aid primarily at the satisfaction of minimum human needs. (It does not follow, though, that the inability successfully to do so undercuts the case for aid.⁸³ Second-best policies may be available, and second-best policies are usually better than none.) Second, in countries where extreme poverty is partially a result of large domestic income inequalities, pressure should be brought if possible for changes in policy or structural reforms aimed at reducing internal inequalities. In both cases, it might be objected that the attempt to implement the global difference principle involves a violation of state autonomy; however, if the view taken in part two, above, is correct, in these cases such an objection would be invalid.

We should also consider the implications of a global difference principle for the reform of the international economic

⁸² See Thomas Nagel, "Poverty and Food: Why Charity Is Not Enough," pp. 54-61. In this and the following several paragraphs, I assume for illustrative purposes that increased foreign assistance from rich countries, and reforms in the institutional structure of the world economy, can be designed and implemented in ways that actually would contribute to a long-term improvement in the absolute position of the world's worst-off groups. This assumption seems plausible, but it should not be mistaken for the different assumption that such an improvement will result from implementation of aid programs and institutional reforms alone. What is of overriding importance for most of the poor countries is that they should radically increase their agricultural productivity and develop modern industrial sectors. Foreign assistance and international economic reforms should be evaluated primarily in terms of the contributions they make to these largely indigenous processes. See further W. Arthur Lewis, *The Evolution of the International Economic Order*.

⁸³ As Richard Cooper suggests. "Panel Discussion," p. 355.

order. One reason is that the institutions and practices of international finance and trade influence the distribution of global income and wealth and can be adapted to help compensate for the unjust inequalities that arise under the institutional status quo. A more subtle, but perhaps a more important, reason for using these institutions for redistributive purposes is that doing so provides a way around the assurance problem noted above (section 4). As I observed, citizens of a wealthy nation might object to the relative sacrifices required for global redistribution on the ground that there is no assurance that wealthy persons elsewhere will do their share. In the absence of coercive global institutions capable of coordinating and enforcing redistributive policies, such sacrifices might give others unfair advantages. This objection does not defeat the force of redistributive obligations, but it does emphasize the importance of devising mechanisms for coordinating the redistributive policies of the various international actors so that the necessary assurance can be provided. For example, the rules governing international trade and finance, and the international institutions that implement them, might be adjusted to promote redistribution toward poor countries, and to encourage them to adjust their internal affairs so as to maximize the prospects of their (internally) least advantaged groups. These mechanisms minimize the assurance problem because they are embodied in institutions with the capacity to enforce compliance by excluding offenders from participation. While I cannot assess the relative desirability of these mechanisms of redistribution on economic grounds, one might argue on grounds of distributive justice for such policies as a generalized system of preferential tariffs for poor countries and the removal of nontariff barriers to trade, or for the use of Special Drawing Rights in the International Monetary Fund as a form of development assistance.⁸⁴ If this is true, then nondiscriminatory tariffs and

⁸⁴ On trade preferences for poor countries in developed-country markets, see Harry G. Johnson, *Economic Policies toward Less Developed Countries*, pp. 163-206; and, on the SDR "link," see James Howe, "SDRs and Development: Let's Spread Them Around."

distribution of additional international liquidity in proportion to present holdings of Special Drawing Rights are not "neutral," as it is sometimes alleged, since the effect of such policies is to perpetuate an unjust distribution. Perhaps some other mechanisms of redistribution would be preferable from the point of view of economic efficiency—for example, direct transfer payments to poor countries—but, since such mechanisms may well be politically impossible at present, and since they raise the assurance problem more sharply, they seem less preferable from the point of view of distributive justice than policies like those suggested above.⁸⁵

Finally, I would like to note a more remote implication of the global interpretation of the contract doctrine. It is worth attention because it illustrates how global principles that apply primarily to institutions and their policies can influence thinking about individual action, and in particular, about participation in a nation's military forces. I indicated above that principles of justice, on a global view, apply primarily to the world as a whole and then derivatively to states. This suggests that global principles could supply reasons that are capable of overriding the rule that demands compliance with internally just domestic regimes. One important consequence is that conscientious refusal to participate in a nation's armed forces would have far broader possible justifications than on the account given in Rawls,⁸⁶ assuming for the moment that, given the great destructiveness of modern weapons and war strategies, participation in national armed forces can be justified at all. To take a somewhat unlikely example, a war of self-defense fought by an affluent nation against a poorer nation pressing legitimate claims under the global principles (for

⁸⁵ The generalized system of preferences and the SDR "link" are simply examples of mechanisms that might be used to promote global redistribution without raising the problem of assurance. There are many others, like "indexation" of commodity prices, transfer of technology on a concessional basis, and refinancing or forgiving of debts on an internationally coordinated schedule. See Reginald Herbold Green and Hans W. Singer, "Toward a Rational and Equitable New International Economic Order: A Case for Negotiated Structural Changes."

⁸⁶ Rawls, *A Theory of Justice*, pp. 377-82.

example, for increased food aid) might be unjustifiable, giving rise to a justified refusal to participate in the affluent nation's armed forces.

These points show that the contract doctrine, despite limitations noted here, sheds light on the distinctive normative problems of the shift from statist to global conceptions of world order. The extension of economic and cultural relationships beyond national borders has often been thought to undermine the moral legitimacy of the state; the extension of the contract doctrine gives a systematic account of why this is so, and of the consequences for problems of justice in the nonideal world, by emphasizing the role of social cooperation as the foundation of just social arrangements. When, as now, national boundaries do not set off discrete, self-sufficient societies, we may not regard them as morally decisive features of the earth's social geography. For purposes of moral choice, we must, instead, regard the world from the perspective of an original position from which matters of national citizenship are excluded by an extended veil of ignorance.

Conclusion

I HAVE argued that prevailing theoretical conceptions of international relations are inadequate and lead to incorrect normative principles of international practice. A more satisfactory normative theory of international politics should include a notion of state autonomy explicitly connected with considerations of domestic social justice, and principles of international distributive justice that establish a fair division of natural resources, income, and wealth among persons situated in diverse national societies. Such a theory not only helps to clarify and deepen our moral intuitions about particular issues in international politics, but also provides structure and purpose for the empirical study of international relations. I would like to conclude with some summary observations about these main points.

Most writers in the modern tradition of political theory, and many contemporary students of international politics, have conceived of international relations on the analogy of the state of nature. States are pictured as purposive and autonomous agents coexisting in an anarchic environment without significant social, political, or economic activity and devoid of stable expectations regarding the agents' behavior with respect to one another. According to the most extreme views, like Hobbes's, moral judgments are inappropriate in such an environment. But the conception of international relations as a state of nature is empirically inaccurate and theoretically misleading. It is inaccurate because it fails to capture either the increasingly complex pattern of social interaction characteristic of international relations or the variety of expectations, practices, and institutions that order these interactions. Indeed, international relations is coming more and more to resemble domestic society in these respects, which are analogous to those on which the justification of normative principles for domestic society depends. The more extreme conceptions are theoretically misleading as well, for they are versions of international moral skepticism, a position that one cannot consistently maintain without being pushed back into a more general skepticism about all morality.

Even some (like writers in the modern natural law tradition such as Pufendorf and Wolff) who have avoided international moral skepticism have been misled by the conception of international relations as a state of nature. This is because they infer from the analogy of states and persons that states have some sort of right of autonomy in international relations analogous to the right of autonomy possessed by persons in domestic society. In effect, the supposed autonomy of states insulates them from external moral criticism and political interference. This claim is the basis of traditional arguments for the nonintervention principle, and of more recent arguments for the principle of self-determination and against the effects of imperialism and economic dependence. Against this view, I argued that the idea that all states have a right of autonomy is incorrect because the analogy of states and persons is imperfect. States are not sources of ends in the same sense as are persons. Instead, states are systems of shared practices and institutions within which communities of persons establish and advance their ends. The appropriate analogue of individual autonomy in the international realm is not national autonomy but conformity of a society's basic institutions with appropriate principles of social justice.

The refutation of international moral skepticism and the critique of the idea of state autonomy clear the way for the formulation of a more satisfactory normative international political theory. One element that should be part of any such theory is an account of international distributive justice. International distributive principles establish the terms on which persons in distinct societies can fairly expect each other's cooperation in common institutions and practices. These terms involve the distribution of the benefits gained from natural resources as well as those gained from social cooperation proper. In criticizing the conception of international relations as a state of nature, I observed that international relations is coming more and more to resemble domestic society in several respects relevant to the justification of (domestic) principles of justice. In part three, I explored the implications of this observation by considering how Rawls's theory of domestic distributive justice might be extended to

international relations in recognition of the increasing extent and significance of international economic interdependence. The result is a global distributive principle that might require radical changes in the structure of the world economic order and in the distribution of natural resources, income, and wealth. Moreover, because global distributive principles apply ultimately to persons rather than states, they may require that interstate transfers and international institutional reforms be designed to achieve specific domestic distributional results. Once again, I must stress that such principles—even radical ones—furnish only a *prima facie* warrant for practical efforts at structural and distributional reform, since hypotheses from the empirical study of international political economy would be required to specify in detail the character of desirable reforms and to assess the chances of success of attempts to implement them. This is one respect in which the program of international studies should be shaped by normative concerns (a respect in which international studies thus far has failed conspicuously to provide much practical help).

The point of view suggested by my discussion might be distinguished from prevailing views as follows. The dominant normative conception of international relations in Anglo-American writing is the Hobbesian conception. It combines the analogy of international relations and the state of nature with a conception of ethics according to which moral judgment is inappropriate outside of sovereign political communities. This view I have called international moral skepticism. Against it, writers of the modern natural law tradition have maintained that moral judgment is appropriate in the global state of nature, but that the standards to which moral judgment should appeal are relatively weak. In particular, considerations of justice occupy an inferior position in this conception, which values international order more highly. This is the morality of states. If my main contentions are correct, however, a third conception of international morality is increasingly plausible. Following Kant, we might call this a cosmopolitan conception.¹ It is cosmopolitan in the sense that

¹ Kant uses this term to characterize the law of a possible universal community of nations. *The Metaphysical Elements of Justice* [1797], p. 125.

it is concerned with the moral relations of members of a universal community in which state boundaries have a merely derivative significance. There are no reasons of basic principle for exempting the internal affairs of states from external moral scrutiny, and it is possible that members of some states might have obligations of justice with respect to persons elsewhere.

It would be a mistake to assimilate the distinctions I have drawn among conceptions of normative international political theory to another tripartite distinction among approaches to the empirical study of international relations. As Robert Gilpin argues, international politics can be studied from "mercantilist," "liberal," or "Marxist" perspectives.² But it is not necessary (although it may often be true) that "mercantilists" also be skeptics, or "liberals" statist, or "Marxists" cosmopolitans.³ These empirical approaches are not distinguished from one another by disagreement about principles of normative theory; rather, they divide according to the heuristic value they attribute to certain higher-order empirical generalizations about international political economy (e.g., for "Marxists," that outcomes in international politics are best predicted with reference to the relative positions of the actors in the structure of the world economy).⁴ I certainly do not dispute the view, associated with Aristotle and Weber, that normative concerns justify and shape the empirical study of politics; I claim only that there is no necessary one-to-one correspondence between particular empirical approaches and the three conceptions of international political theory distinguished above.

As I have suggested at various points, a cosmopolitan conception of international morality is not equivalent to, nor does

² Robert Gilpin, *U.S. Power and the Multinational Corporation*, ch. 1.

³ Was Marx himself a statist, or a cosmopolitan, or neither? Or, if his texts are ambiguous or noncommittal, does his international theory clearly presuppose either type of view? These questions are fascinating, and I regret that I am unable to provide satisfactory answers. For helpful comments, from different points of view, see R. N. Berki, "On Marxian Thought and the Problem of International Relations"; and Alan Gilbert, "Marx on Internationalism and War."

⁴ Gilpin, *U.S. Power*, p. 30.

it necessarily imply, a political program like those often identified with political universalism, world federalism, or "world order." It is important to distinguish moral structures from political ones, and to recognize that global normative principles might be implemented otherwise than by global institutions conceived on the analogy of the state. This is true in the context of ideal theory and even more so in the nonideal world. Much of the misunderstanding of cosmopolitan normative theories, among their opponents, and of naiveté about universalist political programs, among their advocates, stems from failure to understand this fact. In the application of principles to practice, normative and empirical considerations interact in complex ways. I have tried to indicate some of these in my discussion of nonintervention, self-determination, and international distributive justice. Basing decisions to act on normative principles without paying attention to these complexities is certain to yield bad decisions. (This is the kernel of truth in the realist objections to "moralism" considered in part one.)

Thus far, such systematic moral debate about international relations as has taken place has been between adherents of international skepticism and the morality of states. However, as I hope to have made clear, the more pressing issues are those that divide the morality of states from a cosmopolitan morality. A normative political theory of international relations that takes account of my criticisms of prevailing views would be cosmopolitan and would situate controversy about morality in world affairs on more fruitful terrain.

Afterword to the Revised Edition

TWENTY years have passed since this book was first published—a short time in the world of political philosophy but a long time in the world of academic books. It is gratifying that the book continues to be read, both by political philosophers and by students of international relations. It is also a little alarming: the literature of international political theory has developed impressively in these twenty years, and the state of thought today is considerably more sophisticated than it was in the 1970s. It would require a substantial revision to bring the book fully up to date, which neither time nor the economics of publishing allows. Short of that, I shall use this afterword to comment on some respects in which my views have changed in light of developments since the book was written.¹

1. The Truth in Realism

THERE is no canonical form of political realism. The realism of Thucydides is different from that of Machiavelli, and both are different from the views identified with the school of historians, political scientists, and diplomats—most impressively, E. H. Carr, Hans Morgenthau, and George Kennan—who set forth the realist doctrine in twentieth-century Anglo-American international thought. And the views of these writers are different, in turn, from those of the "structural realists" and "neorealists" of more recent years.

Without intending a comprehensive classification, three elements can be discerned in realist thought of the last century. First, there is the conception described and criticized in part one of this book: it is fundamentally a skeptical view about the

¹ Occasionally these remarks draw on discussions in some previously published articles: "Cosmopolitan Ideals and National Sentiment," "Cosmopolitan Liberalism and the States System," "Sovereignty and Morality in International Affairs," and "International Liberalism and Distributive Justice." For full citations, see Works Cited in the Afterword.

status of moral principles in international affairs. International skepticism has a long history; my discussion concentrated on the Hobbesian form, which I took to be the most influential in recent international thought. A more subtle—although not, in my view, a more persuasive—variation can be found in Hume.² Historically, the skeptical doctrine stood opposed to the idea, most visibly associated with the natural law tradition, that states are members of a larger moral order whose principles define and limit their prerogatives. There is no question that the skeptical tendency in political realism has been an obstacle to normative international thought, and for that reason I concentrated on it in the book.

But there are also other elements in realism. One of these is best interpreted as an analytical paradigm for international behavior; it holds, roughly, that international events are best explained as outcomes of the strategic interactions of self-interested states. Realism as an analytical construction may be contrasted, on the one hand, with views holding that the institutional structure of the international order plays an independent causal role, and on the other, with views holding that national foreign policy objectives emerge from and reflect a play of forces within domestic society.³ Analytical realism figures in part one of this book mainly as a supporting element in the sophisticated skepticism there identified with the Hobbesian view of international politics. But analytical realism is not the same as skepticism, and divorced from skeptical trappings, it might serve as part of the argument for an ethic of the national interest recognizable as a genuine (although, I believe, an implausible) moral position.⁴

A third element in political realism advances a cautionary

² Both the Hobbesian and Humean forms of international skepticism are well discussed in Marshall Cohen, "Moral Skepticism and International Relations."

³ The empirical literature on transnational politics and interdependence, so influential in the 1970s, led subsequently to the conception of "neoliberalism" and "neorealism" as analytical alternatives to classical realism. The best source is the collection of essays edited by David A. Baldwin, *Neorealism and Neoliberalism: The Contemporary Debate*.

⁴ This is the route from skepticism to the nonskeptical realism described by Joseph S. Nye, Jr., in *Nuclear Ethics*, ch. 3.

view about the role that normative considerations should be allowed to play in practical reasoning about international affairs, particularly that of individuals charged with making decisions about national foreign policy. It warns of the predictable kinds of errors that can occur when moral considerations are applied naively or in the wrong way. We might call this element of realism "heuristic," to distinguish it from the skeptical and analytical elements. It is the aspect of realism properly opposed to what Carr described as "utopianism" and Kennan referred to as the "legalistic-moralistic approach" to international affairs.⁵

Skeptical and heuristic realism are easily conflated. The difference is this. Skeptical realism denies that moral considerations should have any weight in reasoning about international conduct, either because they have no meaning or because there is no reason to take an interest in them. Heuristic realism, while allowing in principle that moral considerations can have weight (and that we may have reason to take an interest in them), argues as a matter of historical fact that the attempt to apply these considerations in practical reasoning tends to produce undesirable outcomes or even to be self-defeating. To put the difference another way, skeptical realism is a philosophical doctrine, whereas heuristic realism is casuistical—that is, concerned with the application of principles to practice.

I believe that the constructive influence of realism on post-war international thought derives mainly from its heuristic aspect. One sees this clearly, for example, in Kennan's *Wagreen Lectures* of 1951, which are among the founding and most influential documents of modern political realism. These lectures—consisting of critical analyses of six cases in American foreign policy from the Spanish-American War to World War II—constitute an extended reflection on the role of moral considerations in both private and public deliberation about foreign policy. Kennan himself draws a skeptical conclusion. However, as I shall suggest, what follows from the historical analyses is not that considerations of right and wrong have no

⁵ E. H. Carr, *The Twenty Years' Crisis*, chs. 3-5; George F. Kennan, *American Diplomacy, 1900-1950*, p. 95.

place in foreign policy, but rather that their proper application requires good political judgment informed by a grasp of the distinctive properties of international relations as a realm of political action and of the historical and cultural particularities of the case. This is not a claim about the status or meaningfulness of moral judgment in international affairs, but rather a truth—indeed, an important truth—about the ethics of statesmanship.

The heuristic element is plainly visible in Kennan's lectures. There are several themes. One is a concern about the tendency of democratic political competition to distort foreign policy judgment by creating temptations for public appeals to ostensibly moral as opposed to strategic values. For example, Kennan argues that the Spanish-American War resulted primarily from President McKinley's excessive sensitivity to domestic political pressure and the quest for partisan advantage in the Congressional elections of 1898; according to Kennan, from the point of view of the national interest, the war was not necessary.⁶ Similarly, he regards the Open Door Notes as an attempt by Secretary Hay to cultivate domestic public opinion with "high-minded and idealistic" slogans that were anachronistic even as they were pronounced, yet limited the freedom of maneuver of subsequent generations of policy-makers.⁷

A distinct concern is the temptation to adopt policies detrimental to the interests of other states, for reasons of principle, in the absence of the will and capacity to enforce them. Kennan's example is Far Eastern policy in the inter-war years. The demand that Japan respect the integrity of China's borders conflicted with territorial aspirations which the Japanese leadership considered legitimate fruits of participation in World War I; yet when challenged, the U. S. could respond only with remonstrance and indignation, earning the enmity of Japan and exacerbating internal expansionist pressures there without producing any commensurate gains for the U. S.⁸

Finally, there is the tendency to act on "the belief that it should be possible to suppress the chaotic and dangerous aspi-

⁶ Kennan, *American Diplomacy*, p. 11.

⁷ *Ibid.*, p. 36.

⁸ *Ibid.*, pp. 47-49.

rations of governments in the international field by the acceptance of some system of legal rules and restraints."⁹ Kennan thinks this tendency can be discerned in such failed initiatives as the arbitration movement, the Hague Conferences, schemes for universal disarmament and the League of Nations. Reliance on "legalist" solutions where the preconditions of their success are missing is dangerous: it produces a false sense of security which discourages military preparedness and leads to an undervaluation of conventional diplomacy as a means of conflict resolution.¹⁰

In summary remarks, Kennan warns against "the carrying over into the affairs of states of the concepts of right and wrong, the assumption that state behavior is a fit subject of moral judgment."¹¹ But this is a *non sequitur*. For example, manipulating moralistic slogans for domestic political reasons is not the same as relying on sober moral judgment in devising and implementing policy. Indeed, one could consistently argue that, for *moral* reasons, public moral appeals should be minimized in domestic politics, precisely because of the distorting effects they can have on policy. Similarly, the failure to take account of power and interest in calculating the consequences of a policy is hardly inherent in the moral character of the policy's justification; it could occur, and would be as much a failure if it did, if the policy were motivated exclusively by considerations of self-interest. And the mistaken assumption that judicial models of dispute settlement are likely to succeed even where the relevant social and political preconditions are not satisfied pertains exclusively to the "legalistic" element of the approach: nothing follows about the appropriateness of a determination to do what is morally right.¹²

⁹ Ibid., p. 95.

¹⁰ Ibid., pp. 95-97, 99-100.

¹¹ Ibid., p. 100.

¹² Kennan himself is less than resolute about his skepticism: he claims at one point that pursuit of the national interest "can never fail to be conducive to a better world." Ibid., p. 103. As Michael J. Smith has written, "Despite his protestations of realism and his recommendations for a policy of national interest, Kennan remains a formidable adherent of a traditional morality. . . ." *Realist Thought from Weber to Kissinger*, p. 166.

One might, however, regard Kennan's discussions of the cases, not as premises in an argument against morality in international affairs, but rather as illustrations of ways that foreign policy goals can be naively misconceived, or that rightly conceived goals can be ineffectively (or self-defeatingly) pursued, under the pressure to be seen as acting from principle. So interpreted, the cases are studies in the application of general principles to specific circumstances, and their value to policy-makers lies in the maxims or precepts that might be derived inductively from the exercise. Here are several examples. First, because the international realm is a decentralized environment of strategic interaction, it is difficult to control the outcome of a policy initiative with much precision; so there is seldom a justification for discounting worst-case outcomes, and there is always reason to plan for outcomes that seem antecedently unlikely. Second, the range of ends one might seek in international politics virtually always exceeds the capacity to attain them; choices are necessary, which, if they are to be rational, should rest on a comparison of the costs of seeking alternative ends and the value to be gained from attaining them. Third, in a democracy the political process generates incentives to distort the definition of national goals and introduces rigidities in the choice of means to attain them. Policy-makers are more likely to achieve their goals when they resist temptations to seek domestic political gain from foreign policy initiatives and strive for moderation in public characterizations of the aims of policy.

For present purposes, the general character of these familiar precepts is more important than their content. Kennan's analysis is plainly animated by the hope that the conduct of foreign policy in the future can be improved by critical study of exemplary cases in the past.¹³ The precepts I have suggested by way of illustration might be the outcomes of such an analysis: they are middle-level, heuristic maxims which are best conceived as rules of thumb or rebuttable presumptions. They do not operate, so to speak, as minor premises in the deduction of con-

¹³ I mean "exemplary" in the sense of its third meaning in the *OED*. "Such as may serve for a warning, or act as a deterrent."

crete policies from abstract goals, but rather as guidelines and warnings that influence practical reasoning by pointing out possibilities and dangers that experience suggests might otherwise be overlooked or underemphasized. They are, in this sense, essential elements of casuistical reasoning, mediating between abstract considerations about goals and principles and the highly specific circumstances of practical choice that confront policy-makers.¹⁴

Even if we reject the realists' official skepticism about the meaningfulness of moral judgment in foreign policy, we may still think that the effort to bring principles to bear on political practice should be guided by middle-level, heuristic maxims of the kind Kennan's critical analysis suggests. This is an important truth in realism, and should encourage rather than discourage study of the role of principles in political judgment.

2. Intervention and the Value of Community

PART two is a critical reconstruction of a view there called "the morality of states." Both historically and politically, the most important expression of this view is found in the principle prohibiting interference by outsiders in the internal affairs of states.

The critique of the principle of nonintervention offered in the text concludes that there is a right against intervention, but that it does not apply with equal force to all states. According to this revisionist position, the strongest consideration against intervention is that it would interfere with the operation of just domestic institutions. Of course, there might be other considerations too: for example, that intervention may upset international order and that interventionary policies,

¹⁴ In this respect, the place of the realist precepts in the evaluation of foreign policy is similar to that which Clausewitz attributed to the principles of theory in the critical analysis of military strategy. He wrote: "A critic should never use the results of theory as laws and standards, but only—as the soldier does—as *aids to judgment*." *On War*, II, v, p. 158 (emphasis in original).

particularly those which aim to bring about social or political reform in the target state, could produce unintended consequences due to the miscalculation and self-serving abuse to which these policies are notoriously prone. These important consequential considerations may arise (or not) in the full range of cases. The concern to respect just domestic institutions, however, applies only to societies where such institutions exist, and by extension to societies in which the development of just institutions is more likely if the society is left alone rather than subjected to interference.

In this last respect the view proposed in the text applies asymmetrically. This is in contrast to the conventional view, which regards the right against intervention as applying symmetrically to all sovereign states—indeed, as an attribute of the status of sovereignty itself. On the asymmetrical view, in fact, it is not hard to imagine cases in which the concern to protect and advance just domestic institutions, like the related concern to protect human rights, might actually count in favor of intervention. We might call these cases of "benevolent intervention." Interventions of this kind have been increasingly prominent in recent years.¹⁵

This permissiveness toward well-intended intervention may be troubling for a reason that was not fully anticipated in the book. As Michael Walzer has argued, intervention—even if its aims are benevolent—is presumably an interference in a people's conduct of a common life and may be objectionable for that reason alone.¹⁶ It is important to see that such an objection is different from the objection that intervention offends a state's sovereignty. According to what I shall call the *communitarian objection*, the value offended by intervention is not an

¹⁵ Fernando R. Tesón sets forth a theory which is asymmetrical in the sense described above in *Humanitarian Intervention: An Inquiry into Law and Morality*; see esp. ch. 7. Tesón describes my view about social justice in domestic societies as "a form of relativism" (p. 76, n. 75) and suggests that the view of intervention taken in part two of this book could not apply to the use of military force (p. 118, n. 2). I would not accept these characterizations, but cannot pursue the points here.

¹⁶ Michael Walzer, *Just and Unjust Wars*, p. 61. Compare Walzer, "The Moral Standing of States," pp. 212—16.

attribute of the state qua state. Rather, the objection is that intervention offends the moral status of the underlying social entity, of which the state is seen as the political representation. In this view it is *political communities* that are entitled to protection against outside interference; *states* are entitled to it, in part at least, because they embody and protect such communities.

Walzer writes that "contemporary men and women" are entitled "to live as members of a historic community and to express their inherited culture through political forms worked out among themselves (the forms are never entirely worked out in a single generation)."¹⁷ The right against intervention protects the shared interest in maintaining the historical integrity of a community. One way to see what is distinctive in this idea is to compare the communitarian objection with the objection that intervention interferes with a people's right of self-government. In one formulation, a society is self-governing if there is some institutional mechanism through which the expressed political preferences of the people constrain the formation and administration of public policy. When intervention is offensive to self-government, it is so because it interferes with the institutional process whereby the political preferences of the people are brought to bear on public policy. But of course, on this account, not all societies are self-governing—autocratic regimes, for example, typically lack any institutional process linking the people's preferences to decisions about policy—so intervention will not always be objectionable as an interference with self-government.

In contrast, the force of the communitarian objection does not derive from considerations about the character or constitution of a community's political forms. Instead, this objection holds that intervention betrays "the respect that foreigners owe to a historic community and to its internal life."¹⁸ What underlies the argument for communal integrity is *thefact* that people

¹⁷ Walzer, "The Moral Standing of States," p. 211. Note how voluntaristic language invites confusion, reflected here in the incompatible claims that it is "contemporary men and women" who "work out" political forms, and that such forms are "never entirely worked out in a single generation."

¹⁸ *Ibid.*, p. 212.

value the cultural and institutional expression of their political traditions, not the conformity of their traditions to standards of political legitimacy such as those embodied in the idea of self-government or the doctrine of human rights. Intervention in a society could be subject to the communitarian objection even when there is no morally significant sense in which the society's institutions connect popular preferences with public policy.

In spite of appearances, this is not necessarily a relativistic doctrine. It is not claimed that the political values of a community determine what would be morally legitimate institutions for it. On this point, Walzer's formulation may be misleading; he distinguishes between "actual" legitimacy and "presumptive" legitimacy and holds that, although respect for "a historic community and . . . its internal life" may require us to act *as if* (to "presume") the community's institutions are legitimate, it cannot require us actually to believe this.¹⁹ A more straightforward way to put the view might be that the ("actual") legitimacy of a state's institutions does not finally determine whether the state has a right against outside interference; even if the institutions are illegitimate according to whatever standards of political morality apply to them, the fact that the institutions are consistent with values embedded in the traditions and ways of life of domestic society would still count against interference.

The question is why this should be. Perhaps the best explanation is that people's political values, however misguided they may appear from an external point of view, normally play an important role within their own lives. They may be foci of patriotic commitments, grounds of national or communal loyalties, or political expressions of conceptions of individual good.²⁰ Outside interference that obstructs or distorts a community's normal political life hampers the pursuit of individual goods and disappoints individual life plans. This would argue

¹⁹ Ibid., p. 214.

²⁰ There is an instructive discussion of the value of national identity (although without the application to nonintervention) in David Miller, *On Nationality*, chs. 2-3. Also see Alasdair MacIntyre's Lindley Lecture, "Is Patriotism a Virtue?"

against intervention even if there were no meaningful sense in which the community could be seen as politically self-determining or its institutions as legitimate according to whatever principles of political justice apply to them.

The communitarian argument depends on some significant empirical presuppositions concerning the communities in question. One of these is the presupposition of *moral consensus*: that the community is essentially united with respect to the significance and meaning of its political traditions. Another is the presupposition of *political fit*: that the community's political institutions conform, and are understood to conform, to the values implicit in its prevailing traditions and customs. If one or the other of these presuppositions were to prove false, the connection between communal integrity and nonintervention would break down.

Consider first the possibility of moral conflict within a community. This might arise in either of two ways, as disagreement about the interpretation of the community's traditions or about their weight or importance relative to other values. For example, people might disagree about whether the community's traditions license some form of authoritarian rule (as in Bosnia under the Serbs), or about whether the community's traditions provide suitable standards of political legitimacy at all (as in Nicaragua at the time of the overthrow of the Somoza dictatorship). When people are divided about the meaning or significance of the political values embedded in their culture, it would not be the case that by refraining from intervention an outside power would show respect for people's own commitments and projects—for the culture's political values would not figure similarly in each person's own life plan or conception of the good. Indeed, nonintervention could even be seen as a kind of partisanship (e.g., if internal division were reflected in political conflict about the form of government, with one party to the conflict asking for external help).

Or, consider the consequences of a lack of fit between a community's traditions and its political institutions. This is plainly not a prospect to be ruled out a priori; even if there is a consensus about political values in a community, there is no reason to assume that the political institutions that hold sway

necessarily conform to the values implicit in the culture.²¹ Instead, political fit is an empirical matter about which there can be wide variation (consider, for example, the communist governments of the countries of Eastern Europe during the Cold War or the so-called "bureaucratic-authoritarian" regimes of the 1960s and 1970s in Latin America).²² Where fit is lacking, communitarian considerations would not necessarily count against intervention. Indeed, they might even argue for it.

I have suggested that the communitarian argument against intervention depends importantly on the satisfaction of at least two empirical presuppositions. There is no obvious reason to presume that these are likely to be satisfied in the kinds of cases in which benevolent intervention might actually be considered.²³ To the extent that this is right, the communitarian argument simply loses its practical interest—a point whose significance is not diminished by the fact that it rests mainly on empirical rather than philosophical considerations.

The hardest case for the communitarian argument arises when the two presuppositions are satisfied (that is, there is a consensus on political values in a community and the existing institutions fit this consensus) but some aspect of the political practice supported by the local consensus offends fundamental precepts of justice. Perhaps, for example, a theocratic regime in a fundamentalist culture engages in a pattern of violations of internationally recognized human rights, and there is some form of intervention available to the international community that promises to curtail the violations. Is there a right of communal integrity in such a case? If so, what is its force?

The problem is difficult because it embraces a conflict of ethical considerations that there is no clear way to resolve. On the one hand, we have strong reasons to respect a people's

²¹ Walzer comes close to making such an assumption in "The Moral Standing of States," pp. 225—26.

²² These examples also suggest that it is not plausible, as Walzer claims, that foreigners are never in a position to form "concrete judgments" about the presence or absence of fit. "The Moral Standing of States," p. 214.

²³ Assertions to the contrary would not find much support in an examination of the most prominent instances of intervention of the last decade (e.g., in Haiti, Somalia, Iraq, or Bosnia).

cultural and political values, even if these values differ from ours, just because they are the people's *own* values. There is a reflection of this in familiar paternalist principles: interference with a person's liberty on the grounds that interference would be good for him must appeal to *his own* standards of value; we may not substitute our own values for his in determining what is good for him.²⁴ On the other hand, in the face of serious and recurring domestic injustice one is reluctant to say that a regime that "fits" its society thereby acquires a standing that protects it against outside interference, even if, as we must suppose here, there is no significant expression of domestic dissent. Substantive standards of political morality, at least if the interests they protect are sufficiently important, seem to take priority over considerations of fit. This, too, is reflected in the sphere of paternalism: we would hesitate to enforce undertakings by which a person could permanently impair her capacity for self-determination, even if the decision to do so had been reached, so to speak, with full autonomy.²⁵

As a practical matter, the difficulty may be of limited importance. To withhold recognition of a regime's legitimacy is not necessarily to license interference. Whatever a regime's legitimacy or international standing, intervention would not be justified if there were substantial uncertainty about the prospect that it would put an end to the regime's offensive internal practices. Reluctance to approve of intervention in such a case may not be based on acceptance of a blanket principle of communal integrity; instead, it may simply reflect a realistic recognition that there are limits to what political means involving the use or threat of force can foreseeably accomplish.²⁶

More importantly, it seems unlikely that real cases will very often manifest the difficulty in the form in which I have de-

²⁴ On the application of this point to intervention, see Alan H. Goldman, "The Moral Significance of National Boundaries," pp. 444-45.

²⁵ Gerald Dworkin, *The Theory and Practice of Autonomy*, p. 129. I have discussed the conflict of cosmopolitan and communitarian considerations in connection with intervention in the last section of "Sovereignty and Morality in International Affairs."

²⁶ There is a helpful discussion in Lea Brilmayer, *American Hegemony: Political Morality in a One-Superpower World*, pp. 153-66.

scribed it—that is, a society's political institutions are consistent with values accepted more or less unanimously throughout the population but inconsistent with moral requirements of great objective weight. More likely, there will be disagreement within a culture about the values themselves or about the fit between them and prevailing political institutions and practices. In such a case there may still be some point in the idea that the people should be left to settle their own internal disputes, but the force of the idea could not be accounted for by referring to communitarian considerations of the kind I have described; more likely, it would reflect assumptions about the process of political and social development and the likely consequences of external efforts to influence this process.

Like the argument from justice, the argument from community turns out to apply asymmetrically. It supplies strong reasons against intervention in a limited range of cases—those in which the conditions of moral consensus and political fit are satisfied and the regime does not subject its people to serious and recurring injustice. In other cases, communitarian considerations will either be irrelevant (because there is no moral community in the requisite sense) or in tension with substantive principles of political morality; either way, these considerations may complicate, but they do not settle, the question about the justice of benevolent intervention.

3. International Distributive Justice

PART three sets forth the outline of a cosmopolitan theory of international distributive justice. The argument might be put schematically in terms of a weak thesis and a strong thesis. The weak thesis is that international relations, in virtue of the resemblance of its basic structure to that of domestic society, is subject to a requirement of distributive justice. The strong thesis is that the applicable requirement is a globalized form of the principle of distributive justice advanced by John Rawls in *A Theory of Justice*. Both theses depend on an argument by analogy, holding that the international realm resembles the domes-

tic in those respects relevant to the justification of principles of distributive justice. But the strong thesis, accepting *arguendo* the normative content of Rawls's theory, supplies a specific principle to characterize international justice. The weak thesis, by contrast, is agnostic about the content of international distributive justice, holding only that international justice should be regarded as an extension of a corresponding doctrine of distributive justice for domestic society. Perhaps because its practical consequences would be dramatic, the strong thesis has attracted more critical attention. But for both philosophical and practical purposes, the weak thesis seems to me more basic.

The weak thesis is a form of cosmopolitanism, but it is not the only form. To clarify ideas, let me say what this form of cosmopolitanism is not. For one thing, it is not a view about the best institutional structure for international politics. It does not necessarily hold, for example, that states should be subordinated to a global political authority or a world government; it is agnostic about the proper structure of international institutions. We might say that the weak thesis is not the same as *cosmopolitanism about institutions*. The weak thesis is also not a view about how persons should understand their individual identities and loyalties; one who accepts the weak thesis need not, for example, say with Diogenes, "I am a citizen of the world,"²⁷ at least if this is interpreted to deny that a person's reasoning about individual conduct might be influenced, not unacceptably, by loyalties to family, group, or country. So the weak thesis is not the same as *cosmopolitanism about loyalties*. In contrast to both of these positions, the weak thesis is a view about the basis on which institutions and practices should be justified or criticized. If a label is needed, I would call it *moral cosmopolitanism*. In Thomas Pogge's phrase, it is the notion "that every human being has a global stature as the ultimate unit of moral concern."²⁸ This idea is the natural offspring of the moral egalitarianism of the Enlightenment: it applies to

²⁷ Diogenes Laertius, *Diogenes*, in *Lives of Eminent Philosophers*, vol. II, bk. VI, p. 63.

²⁸ Thomas W. Pogge, "Cosmopolitanism and Sovereignty," p. 49.

the whole world the maxim that choices about what policies we should prefer, or what institutions we should establish, should be based on an impartial consideration of the claims of each person who would be affected. I believe that any practically interesting form of cosmopolitanism must be of this kind.

Moral cosmopolitanism is a challenge to theories that regard the state or national (or other) community as an enclave of special responsibilities that are distinct and justified separately from general or global responsibilities.²⁹ Here, I would like to take up three sets of considerations that might be seen as arguing against the weak thesis and in favor of such a view. These pertain, first, to alleged differences in the scope and character of economic life within and between states; second, to the significance of national boundaries in determining certain critical aspects of the political and economic development of societies; and third, to the special obligations perceived to arise among compatriots.

Contrasts between international and domestic society. The original text acknowledges a variety of contrasts between the domestic and international realms; it asserts, however, that owing to the growing interdependence of domestic economies and societies, the two realms are sufficiently similar that whatever principles of justice we are prepared to acknowledge in the domestic case, we should be prepared to acknowledge in the international case as well. Some readers have thought this analogical argument too quick because it seems to overstate two aspects of the resemblance—the extent and character of global economic interdependence and the degree to which the global political economy can be compared to the domestic as a system of mutual advantage.

For example, Brian Barry argues that a network of global trade, even if very extensive, would not be enough to secure the analogy; justice of the sort involved in Rawls's theory

²⁹ Though not to all such theories; a possible view is that special responsibilities, to the degree they may be said to exist at all, are merely "administrative device[s] for discharging our general duties more efficiently." Robert E. Goodin, "What Is so Special about Our Fellow Countrymen?", p. 685. Such a view is plainly a kind of cosmopolitanism. For Goodin's views on international distributive justice, see his *Protecting the Vulnerable*, pp. 154-69.

(Barry calls it "justice as fair play," a subcategory of "justice as reciprocity") "arises not from simple exchange but either from the provision of public goods that are collectively enjoyed . . . or from quasi-insurance schemes for mutual aid. . . ." ³⁰ He grants that "rudimentary organs of international cooperation" like the United Nations and the World Bank may obscure the contrast, but thinks that "the extent of increased cooperation that would really be mutually beneficial is really quite limited. . . . The conditions for reciprocity—that all the parties stand prospectively to benefit from the scheme—simply do not exist." ³¹

It is true that the Rawlsian argument conceives of society as more than a system of "simple exchange." Rawls holds that the subject of social justice is the "basic structure" of society, consisting of a system of institutions and practices that organizes and regulates the transactions entered into by individuals as they conduct their social and economic lives. ³² The basic structure is the primary subject of justice for a number of reasons: most importantly, because it determines the starting points for individual transactions, because it shapes and limits individual desires and aspirations, and because it applies to people regardless of their consent. ³³ It is a mistake, however, to interpret

³⁰ Brian Barry, "Humanity and Justice in Global Perspective," p. 446. See also the discussion in Chris Brown, *International Relations Theory: New Normative Approaches*, pp. 170–77.

³¹ Barry, "Humanity and Justice," p. 447. In rejecting the premises of the analogical argument, Barry is not necessarily rejecting its conclusion. The aim of his article was to deny that a satisfactory account of distributive justice can be derived from the conception of justice which he calls "justice as reciprocity" and identifies, incorrectly in my view, with the view taken in Rawls's book. Barry's own view about distributive justice, in its latest version, would seem to produce a conclusion about the international realm similar to that reached in part three of this book. See his *Treatise on Social Justice*, of which two volumes have been published so far: vol. 1, *Theories of Justice*, pp. 236–37 and 246–48 (on Rawls) and ch. 10 (on social justice generally); vol. 2, *Justice as Impartiality*, ch. 3 (justice as impartiality).

³² As examples, Rawls cites the political constitution, competitive markets, private property in the means of production, and the monogamous family. *A Theory of Justice*, sec. 2.

³³ This conception of the importance of the basic structure is central to Rawls's theory and thus to the argument in part three of this book. For an

the argument about international interdependence in the original text as referring only to "simple exchange." Indeed, the development of a global regulative structure for economic transactions, and of an increasingly ambitious system of international political and legal institutions, were explicitly noted and the analogy with the basic structure of domestic society made clear (pp. 148-49). The growth of the world economy since this book was written and the elaboration of global financial and regulatory regimes only strengthen the impression of an evolving global basic structure with consequences for individual life prospects whose scale and character are analogous to those of the institutional structure of domestic society. Indeed, it seems increasingly difficult to distinguish the one from the other; the structures of the world political economy so interpenetrate those of domestic society that one is often at a loss to assign the causal responsibility for structural inequalities to one or the other level.³⁴

Barry's observation that the conditions for reciprocity do not exist in international relations suggests a further point. Whereas we can imagine domestic society as a system in which it is rational for individuals to participate in cooperative schemes from which all can expect to benefit (for example, mutual insurance schemes insuring against various kinds of misfortune), Barry does not believe there is any similarly plausible conception of international society, because international economic and social inequalities are too great. In his view, the rich countries have little to gain from cooperating with the poor countries; for example, they would be nearly certain net losers from any global scheme insuring individuals against economic misfortune.³⁵ Accordingly, he believes there is not much future in the effort to found principles of international justice on considerations of reciprocity or mutual benefit.

It might be replied that the benefits from cooperation are

extended discussion, see Rawls, *Political Liberalism*, lect. VII ("The Basic Structure as Subject").

³⁴ A striking illustration is the growth of "global cities" which set the irrelevance of national boundaries to the international distribution of income in high relief. See Saskia Sassen, *The Global City*; chs. 2, 7 and 9.

³⁵ "Humanity and Justice," p. 447.

probably greater than Barry allows, even—or perhaps especially—for the rich countries.³⁶ This is probably true, but it misses the essential point. For skepticism about whether cooperation is advantageous for those who are favored by existing inequalities could arise as plausibly in domestic as in international society.³⁷ What this shows, I believe, is that the underlying conception of justice as resting on considerations of mutual advantage is incorrect. And it is plainly not the conception that animates Rawls's theory: indeed, in working out a conception of distributive justice within society, Rawls abstracts from existing inequalities to define a baseline from which we measure the prospects for fair cooperation. The baseline is one of equality: principles of justice are justified when it would be rational for "equal moral persons" to accept them without reference to their actual social positions and economic endowments.³⁸ To proceed otherwise would bias the theory arbitrarily in favor of the status quo. If this is true in the domestic case, why should it not be true in the international case as well? Why would it not be reasonable to judge the rationality of principles of *international* justice with reference to a baseline of equality?

Framing the question this way leads to a different conception of the ethical significance of the international basic structure than what was suggested in the original text. For it is not the case that we begin with an actually existing basic structure and ask whether it is reasonable for individuals to cooperate in it. Rather, we begin with the idea that *some* type of basic structure is both required and inevitable, given the facts about the extent and character of social and economic relations, and work towards principles the structure should satisfy if it is to be acceptable to individuals conceived, in Rawls's phrase, as free and equal moral persons. These principles describe "an ideal

³⁶ The recent literature on international collaboration is illuminating. The *locus classicus* is Robert O. Keohane, *After Hegemony*, esp. ch. 11.

³⁷ Indeed, it is this skepticism that motivates David Gauthier's criticisms of Rawls's theory of distributive justice in *Morals by Agreement*, pp. 250-57. Barry recognizes this in his discussion of Gauthier's theory in *Justice as Impartiality*, pp. 42-43.

³⁸ Rawls, *Political Liberalism*, p. 277.

form of the basic structure in the light of which ongoing institutional and procedural processes are constrained and adjusted."³⁹ There is no reason to believe, *ex ante*, that what exists today will resemble this ideal very closely.

What, then, should we make of our evidence about the growth of global economic interdependence and the accompanying development of a global regulative structure? Or to put it more precisely, what role is played in the argument for global principles of justice by facts about the extent and character of the world political economy? On the one hand, it now seems wrong to say that these facts explain in any very specific way why principles of international distributive justice should constrain the present structure of the world political economy. For the justification of international principles does not depend on the extent of international interaction or the details of the institutions that organize it. On the other hand, if there were no international basic structure—if, for example, there were no appreciable international capital flows, little trade, no international economic institutions, and only rudimentary forms of international law—then we would not find principles of international distributive justice of any practical interest. It could be said in this counterfactual world that the world economy is something most people can realistically avoid, and in any case that there is no structure of institutions or pattern of practice to which regulative principles could be applied.

What the facts about interdependence and the global structure demonstrate is that this cannot be said about the actual world as we have it today.⁴⁰ This world contains institutions and practices at various levels of political organization—national, transnational, regional, and global—which apply to people largely without their consent and which have the capacity to influence fundamentally the courses of their lives. These institutions and practices are evolving, and the direction of their future development is to some extent open to political choice. In this world, unlike the counterfactual world imagined above,

³⁹ Ibid., p. 284.

⁴⁰ I am indebted here to Pogge's discussion in *Realizing Rawls*, p. 241. I believe the remarks in the text are consistent with the formulation in my "Cosmopolitan Ideals and National Sentiment," p. 595.

principles of international justice are therefore of great practical interest.

Determinants of the political and economic development of societies. One might agree, as a matter of principle, that moral considerations establish a global welfare threshold or a minimum entitlement to the material sources of well-being, but hold, as a matter of practice, that there is little that can be done at the international level to ensure that the threshold is met. The argument would be that sustainable improvements in standards of living can only occur as a result of a society's domestic economic and social advancement, and that the primary impediments to this are more likely to lie in its culture and traditions than in either its natural resource endowments or its position in the international political economy.⁴¹ If this is right, the distributive responsibilities of outsiders, if any, would be secondary to the responsibilities of the members of poor societies themselves to bring about their own improvement.⁴² Indeed, if the determinants of a society's level of well-being are primarily internal and noneconomic, then concern about the international distribution, either of natural resources or of overall wealth—and a fortiori about measures to change it—might be seen as either misdirected or superfluous.⁴³

⁴¹ Rawls adopts such a position in "The Law of Peoples," pp. 74-77. In this important lecture, Rawls argues that there is a threshold of individual well-being, described in terms of "human rights" and "basic human needs," which it is primarily the responsibility of each society to satisfy for its people. Some societies are unable to do this on their own because they face "unfavorable conditions," and well-off societies have a "duty of assistance" to help these societies to develop the capacity to satisfy their people's human rights and basic needs. This duty, however, is explicitly not a consequence of considerations of international distributive justice (pp. 75-76); Rawls argues that there is no international principle analogous to the difference principle for domestic society. For this reason, it would be inaccurate to classify the view in "The Law of Peoples," in my terms, as a kind of cosmopolitanism. I return to the contrast below.

⁴² Rawls writes: "The obligation of wealthier societies to assist in trying to rectify matters is in no way diminished, only made more difficult." Ibid., p. 77.

⁴³ Such an argument would recall that of J.S. Mill concerning intervention to promote the growth of free institutions: he held that a people could sustain such institutions only if they struggled to achieve them for themselves. "A Few Words on Non-intervention," p. 175.

This position combines two empirical conjectures, one involving the relationship between natural resource endowments and national wealth, and the other, the significance of a society's wealth (including both natural resources and accumulated capital) relative to that of its position in the world political economy for the well-being of its people. These matters are complicated, and here I can only offer two brief observations. First, it must be said that the question of the importance of natural resource endowments for national wealth is unsettled. On the one hand, with the exception of the oil states, today's developing societies as a group seem to be less well endowed with natural resources than were today's industrialized societies at a similar stage of development. Moreover, tropical societies (taking location as a resource) tend to have significantly lower rates of economic growth and lower levels of well-being (measured, e.g., by per capita purchasing power or life expectancy) than those in the temperate zones. On the other hand, resource-rich developing societies tend to have lower rates of economic growth than resource-poor societies, perhaps because the easy availability of exportable natural resources reduces incentives to establish the industrial structure and trade relations needed for sustainable economic improvement.⁴⁴ In the present state of knowledge, it would be difficult to draw confident conclusions about the importance of resource endowments for social development.

Second, the claim that a society's domestic social and political character is more important than its international economic position in determining whether its people can have a decent and worthwhile life presupposes a capacity to distinguish between domestic and international influences which may be impossible to sustain in practice. For one thing, a society's engagement in the world political economy, including its financial as well as trade relations, may, through its domestic social, economic, and political effects, aggravate rather than

⁴⁴ As Gustav Ranis concludes from a comparison of East Asian and Latin American cases, "[t]he problem is not that more natural resources (like more foreign capital) *cannot* be good for you—but that instead of being used to ease the pain of change, they are likely to be used to postpone change." "Toward a Model of Development," p. 100 (emphasis in original).

alleviate the local conditions that impede the society's improvement. Whether integration into the world economy leads to reduction of corruption or to the mitigation of poverty depends on the case.⁴⁵ Beyond this, one must recognize the domestic significance of the emerging network of international institutions that organize and regulate the world political economy—for example, the world trade regime, the international financial and banking structure, and the prospect of a global climate regime. These institutions have consequences for the internal as well as the international distribution of benefits and burdens and, particularly from the perspective of poor societies, participation on the only terms available may be practically inescapable. Even if domestic factors are important determinants of social development, they may be necessary rather than sufficient; the capacity of a society to develop, and the direction of its development, may also be influenced by the characteristics of the international structure. If this is true, there would remain a reason for concern about the justice of the international structure even after the importance of local factors was conceded.

Having said this, it is important to consider what would follow if these empirical conjectures turned out to be true: not, it seems, that there are no international principles of justice. (Why conclude this? What if there were exceptions in individual cases?) To adapt Rawls's observation, the relevance of these conjectures goes instead to the means of carrying out international obligations. Suppose, for example, that a poor society's government is corrupt or oppressive, or resists cooperation with international development efforts aimed at improving the well-being of its people. In such a case it might well be that there is no requirement to support transfer payments to the society or otherwise to expend resources to help advance its standard of living. However, the explanation is not that there are no such duties in the first place, or that they are secondary to those of the members of the society in question, but rather

⁴⁵ See Andrew Hurrell and Ngaire Woods, "Globalisation and Inequality," and Stephan Haggard and Sylvia Maxfield, "The Political Economy of Financial Internationalization in the Developing World."

that, under the political circumstances, acting on the duty would be unlikely to be effective in accomplishing its objectives. If there are independent reasons to accept a principle of international justice, as I have argued there are, the prospect of cases of this kind does not provide a reason to reject it.

The claims of compatriots. It is possible to embrace a broadly cosmopolitan view about international morality, including a more or less egalitarian principle of international distributive justice, but also to believe that the influence of international principles should be constrained, in cases of conflict, by one's responsibilities to one's own compatriots. Henry Shue has described this as the thesis that "compatriots take priority."⁴⁶

When Sidgwick considered a similar thesis a century ago in a discussion of immigration policy, he observed that it represented the point of view of conventional morality.⁴⁷ No doubt the same could be said today. However, once the force of a broadly cosmopolitan theory of international justice is recognized, the priority thesis must seem puzzling. Cosmopolitanism of any sort rests on a fundamental commitment to treat all persons in some relevant sense as equals. But the priority thesis allows, and may require, priority to be given to the less urgent needs of compatriots rather than to the more urgent needs of others. How can this be consistent with a cosmopolitan commitment to equality?

The priority thesis might be defended at either the intermediate or the foundational level of moral thought. At the intermediate level, the claim would be that priority for compatriots is justified by (or derives from) considerations at a deeper level of reasoning, where everyone is treated equally in the morally relevant respect. At the foundational level, the

⁴⁶ Shue, *Basic Rights*, p. 132. I discussed the priority thesis in "Cosmopolitan Ideals and National Sentiment," portions of which I adapt in what follows.

⁴⁷ Henry Sidgwick, *The Elements of Politics*, p. 309. Sidgwick distinguished the "national ideal"—which he held to represent the point of view of common-sense morality—from the "cosmopolitan ideal." According to the national ideal, foreign policy should "promote the interests of a determinate group of human beings, bound together by the tie of a common nationality"; according to the cosmopolitan ideal, it should strive impartially to promote the interests of everyone, regardless of location or citizenship (*ibid.*).

defense would hold that the interests of compatriots should be given priority even when, all things considered, this cannot be justified by any principle of equal treatment, either because there is something morally special about the relationship typically found among compatriots or because it is a misapprehension of morality itself to regard any egalitarian principle to be a fundamental constraint.

Most efforts to justify priority for compatriots occur at the intermediate level. Consider, for example, Sidgwick's defense of immigration restrictions. He holds that the general consequences of acting on the priority thesis will be better for all concerned than the consequences of acting on any other rule. Thus, open immigration "would not be really in the interest of humanity at large" because it would defeat the state's efforts to maintain its society's internal cohesion, to promote the growth of culture, and to preserve the order and integrity of its domestic political process.⁴⁸ This may seem plausible because it recognizes the valuable features of communal life and reflects a realistic awareness that they could be endangered if governments adopted a different principle. However, if the basis of the argument in "the interest of humanity at large" is taken seriously, it is not finally persuasive: under contemporary conditions, it seems unlikely that the value derived by their citizens from the cohesion and order of relatively well-endowed societies is greater than the value that could be gained by others from the redistribution of labor (or wealth) that would be brought about by adherence to cosmopolitan policies.⁴⁹

The problem generalizes. As with analogous efforts to justify

⁴⁸ Ibid. A similar case has been made recently by Richard Miller. Starting from a principle of "equal respect for all," he argues that observing a "priority [for compatriots] in providing tax-financed aid" builds social trust and reinforces the incentive to obey the laws of a democratic society. "Cosmopolitan Respect and Patriotic Concern," pp. 210-19. As I suggest in the text, I am not as sanguine as Miller that any morally plausible interpretation of "equal respect" can support the underlying priority for the healthy functioning of a domestic democratic regime on which the argument depends.

⁴⁹ Thus, I think that Walzer is correct in believing that the intuitive appeal of Sidgwick's argument flows from a different source than consequentialist balancing. *Spheres of Justice*, p. 37.

priority for the interests of the self, any consequentialist argument for priority for compatriots seems likely to involve either implausible premises or an eccentric standard of value. At a minimum, such an argument would have to presume a more or less equal background distribution of natural resources and talents; without this, given familiar assumptions about the diminishing value of increasing income, there is no reason to think that overall value could not be increased if the wealthy were to act on a more egalitarian principle than priority for compatriots. But, of course, the presumption is contrary to fact. So the simple consequentialist defense is not likely to justify anything very much like the priority thesis found in conventional morality.⁵⁰

There are more complicated ways to ground the priority thesis in a foundational commitment to treat all human beings equally, but I believe they will prove similarly implausible. Consider, for example, a contractualist defense proceeding from a globalized original position in which the parties represent individual persons.⁵¹ It might be argued that the parties would embrace priority for compatriots because they would believe, in light of their understanding of general facts about social life, that people would fare better in a world of states, each of which gave priority to its own citizens, than in a fully cosmopolitan world. By analogy with the parallel consequentialist defense of the thesis, however, this version of a contractualist defense would be plausible only as part of an ideal theory of global justice that also provided for background institutions at the international level. These institutions would compensate for the uneven distribution of economic and cultural resources between states and correct distortions that are predictable results of the operation of international markets.⁵² Since the

⁵⁰ Robert Goodin has argued for substantially the same conclusion, in greater detail, in "What Is so Special about Our Fellow Countrymen?"

⁵¹ It would be a different matter if, as Rawls suggests in "The Law of Peoples," the parties were conceived as representing "peoples" or societies.

⁵² Compare Rawls's discussion of the role of background institutions in maintaining the justice of market arrangements at the domestic level. *A Theory of Justice*, pp. 265-84.

common-sense notion of priority for compatriots does not presuppose any such background, it will not find much support in a contractualist theory.

These reflections suggest that the prospects for a successful defense of the priority thesis at the intermediate level of moral reasoning are not good. If the priority thesis can be defended at all at the intermediate level, it would have to be constrained in ways that are not part of the conventional doctrine. However, there is another way the thesis might be defended: it might be that priority for compatriots can be explained at the foundational level instead.

Such an explanation could develop in a variety of ways. Here I comment on only one of them. In this view, priority for compatriots is understood as a reflection at the level of the state of a familiar feature of private morality—namely, that which recognizes a limited permission for a person to aim at results that are less good, according to some impersonal standard, than other results that the individual is in a position to produce. We accept such a permission within private morality because we attach importance to being sufficiently free of impersonal moral constraints to be able to pursue the commitments that express our separate identities as autonomous persons. This importance might be accounted for on consequentialist grounds, but it seems more likely to be a direct reflection in moral thought of what Samuel Scheffler calls "the independence of the personal point of view."⁵³

The corresponding explanation of priority for compatriots is as follows: if individuals have a right to resist some of the sacrifices that impersonal morality demands in order to pursue their own commitments, then their governments may not require such sacrifices of them. There is, therefore, an upper bound to the cost that a state can require its people to bear in connection with pursuit of cosmopolitan goals when these come into conflict with the satisfaction of local commitments.

⁵³ See Samuel Scheffler, *The Rejection of Consequentialism*, pp. 61-62. On the application to international morality, see Thomas Nagel, "Ruthlessness in Public Life," p. 84.

This upper bound defines the degree of priority that a government may accord to the interests of compatriots.⁵⁴

This is very abstract, particularly as regards the content of the local commitments that are said to justify individuals in resisting the requirements of cosmopolitan principles. These commitments might be understood in a variety of ways—for example, as deriving from significant personal relationships, individual life plans, or group loyalties. The differences matter because the weights that attach to these commitments do not appear to vary together.⁵⁵ The best case for the priority thesis probably arises from the value associated with honoring one's significant relationships, for this value seems particularly deep and can generate conflicts with impersonal requirements that may be especially difficult to reconcile.⁵⁶

So construed, however, I believe that the priority thesis will be substantially attenuated in comparison with its representation in conventional morality. This is for three reasons. First, the deepest source in personal morality of the permission to give priority to the self and its projects—that is, the obligations arising from special relationships—is only contingently connected to priority for *compatriots*. Everything depends on whether it is reasonable to regard one's relationship to one's compatriots as the kind of relationship that can generate a pervasive conflict with impersonal moral requirements. But this is hardly clear; citizenship in the modern state is not obviously analogous in any ethically significant way to the kinds of personal relationships (such as those to a parent, a spouse, or one's child, or even to the members of a face-to-face community) that produce the most wrenching conflicts with impersonal morality.⁵⁷

⁵⁴ This is a brief sketch of a complicated idea. For an extended discussion, see Miller, *On Nationality*, pp. 65-73.

⁵⁵ There is a helpful discussion in Brian Baxter, "The Self, Morality, and the Nation-State," pp. 114ff.

⁵⁶ As Samuel Scheffler argues in "Relationships and Responsibilities," p. 200.

⁵⁷ Baxter observes, "[Q]uite clearly, the vast majority of one's compatriots are complete strangers to one, so that it would be something of a mystery as to why they would count for one in the way that one's nearest and dearest do." "The Self, Morality, and the Nation-State," p. 124.

Even assuming the contrary, there are two further reasons for doubt about the force of the priority thesis. One arises from the underlying permission for individuals to favor themselves, when necessary, to protect their pursuit of important personal commitments and relationships. This permission is itself limited; for example, one may not forego the chance to do great good for others in order to avoid a small sacrifice for oneself. The limit on the personal permission (however it is defined) will be reflected in the state-level permission as well.

Finally, there is an important difference between individual and group sacrifice. One of the ways in which our individual sacrifices may be excessively burdensome is in setting us at a disadvantage relative to others who have sacrificed less. Where sacrifices are imposed on an entire population, however, this problem may not arise (supposing that the sacrifices are fairly allocated). Hence, it may be that a state is entitled to demand more of its people than its people, as individuals, are required to demand of themselves when cosmopolitan goals require sacrifices of them.

This reasoning leads to two conclusions. First, in principle, the idea that there are special responsibilities to compatriots is not without content; these responsibilities could conceivably derive from both intermediate and foundational considerations—for example, from the efficiency of allocating responsibilities to sectional groups and from the basic importance in our lives of the relationships that sustain us. In the latter respect, we may have reached one kind of limit of cosmopolitan principle, since the value to which it would be opposed stands at the same level of significance as the principle itself, and there appears to be no more basic standpoint from which the conflict can be resolved.

However, it is one thing to grant that special responsibilities might exist, and quite another to infer that such responsibilities as should reasonably be accepted might limit either the scope of international distributive justice or the extent of our global responsibilities in the nonideal world. The second conclusion is that the special responsibilities to compatriots that can plausibly be defended are not nearly as extensive as the priority for compatriots found in conventional morality.

Any defensible version of the priority thesis would have to be trimmed back from the form in which it presents itself in ordinary morality and be qualified in ways that leave room for the operation of international principles. So, even if we allow that there might be special responsibilities to compatriots, we may still accept the weak thesis about international distributive justice.

Conclusion

THE first edition concluded with the thought that the dispute between the morality of states and cosmopolitan morality is the most fruitful theoretical problem in international political theory. I continue to believe that the distinction is fundamental, but now I would frame the contrast of serious philosophical interest somewhat differently.

My construction of a morality of states combined a range of distinct perspectives on the moral standing of the nation-state. These perspectives converge in defending a doctrine of state sovereignty which resists external intervention and includes a principle of priority for compatriots in the distribution of material goods. But convergence at the policy level can mask divergence at the foundations, and in this case the divergence is significant; indeed, the expansive notion of a morality of states accommodates conceptions ranging from absolutist doctrines in the tradition of Bodin to liberal doctrines that regard the state's prerogatives as limited by its role in a larger moral order. Not all of these conceptions are equally worthy of attention today.

The conception of greatest interest is a progressive, internationalist offspring of the morality of states that I shall call *social liberalism*.⁵⁸ It embodies a two-level conception of international

⁵⁸ A doctrine of this kind has been set forth with great clarity by Rawls in his Amnesty International Lecture, "The Law of Peoples." The lecture has been revised and extended as a monograph of the same title which, at this writing, is not yet published. It is a provocative and challenging work that will be an essential source for international ethics for years to come. I regret that I can-

society in which there is a division of moral labor between the domestic and international levels: state-level societies have the primary responsibility for the well-being of their people while the international community serves to establish and maintain background conditions in which just domestic societies can develop and flourish. I consider this a descendent of the morality of states because it conceives of international society on the domestic analogy, with societies in the place of individual persons. The agents of international justice are states or societies, and its object is to establish a political equality of states, each committed to and capable of satisfying the human rights and basic needs of its own people. The international community provides development assistance to states which are unable to achieve these goals on their own and offers emergency aid in times of disaster. Because domestic societies or peoples are taken as having nonderivative moral significance, there is a natural basis for something like priority for compatriots.

The contrasting position is *cosmopolitan liberalism*. It does not take societies as fundamental and aims to identify principles which are acceptable from a point of view in which each *person's* prospects, rather than the prospects of each society or people, are equally represented. Because it accords no privilege to domestic societies or to national (or multinational or nonnational) states, cosmopolitan liberalism extends to the world the criteria of distributive justice that apply within a single society.⁵⁹ A politically realistic form of this view would both recognize the constraints of the states system and take advan-

not consider it here. Variations of social liberalism can be found in Miller, *On Nationalism*, and R. J. Vincent, *Human Rights and International Relations*. Although these views and Rawls's are in some respects extensionally similar, there are significant theoretical differences among them.

⁵⁹ However, cosmopolitan liberalism does not necessarily argue for measures (such as transfer payments) to reduce international inequality for its own sake; its attitude to international inequality, like its attitude to inequality in domestic society, is something to be worked out within a particular theory. For example, in a conception of international distributive justice embodying the difference principle, the basic requirement would be to maximize the absolute position of the globally worst-off group, perhaps subject to certain constraints. It is no more obvious in international than in domestic society that this aim is likely to be achieved by exclusive reliance on redistributive mechanisms.

tage of its institutional capacities, but it would treat the reform of institutional structures, both domestic and international, as an instrument for the satisfaction of the just interests of individual persons rather than for the improvement of societies per se.

Neither position is easily dismissed. Social liberalism has the advantage of a closer accord with widely held beliefs about the significance of the national community as well as whatever plausibility attaches to the domestic analogy itself. The advantages of cosmopolitan liberalism are to be found in its more transparent moral egalitarianism and the theoretical attractiveness of bringing global and sectional considerations within a single point of view. It is probably true that these perspectives converge on many important matters of policy in the nonideal world.⁶⁰ Notwithstanding, both views cannot be right: social liberalism accepts the national community as having a moral status which cosmopolitan liberalism must regard as suspect. And we cannot say today, as Sidgwick wrote a century ago, that although the cosmopolitan alternative is "perhaps the ideal of the future," it is of no practical interest in the present.⁶¹ The tension between these positions is alive and is reflected in a range of normative disputes, and its resolution is the main challenge facing international political theory.

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⁶⁰ Though perhaps not all. Of particular interest in contemporary foreign policy is the question of standards of legitimacy for international institutions such as the financial, trade, and climate regimes. This question poses no special difficulty for a cosmopolitan theory, but it is not clear whether social liberalism can address it systematically at all.

⁶¹ *The Elements of Politics*, p. 309.

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Index

- Acheson, Dean, 20n
 Acton, John E.E.D. (Lord Acton):
 on statehood and nationality,
 113-14
 Albania, 160
 alliances, *see* coalitions of states
 Amdur, Robert, 128n
 anarchy, international, *see* interna-
 tional state of nature
 Aquinas, St. Thomas, 7n
 Aristotle, 182
 Aron, Raymond: ambiguity of view
 of national interest, 20n; on pri-
 macy of national interest in inter-
 national state of nature, 27-28
 assurance problem: and fair coercive
 institutions, 158-59; in interna-
 tional relations, 46-50, 158-59;
 minimized in institutional reform,
 174
 Austin, John, 27n
 autonomy of states: content of, 8,
 76-81; critique of summarized,
 121-22, 180; and economic de-
 pendence, 116; idea of, as applica-
 tion of analogy of states and per-
 sons, 8, 69; nonintervention as
 negative aspect of, 92; as outer
 face of moral legitimacy of states,
 81; and possible justification of in-
 tervention, 81-83; self-determina-
 tion as positive aspect of, 92-93;
 view of as based on consent of citi-
 zens, 76-79

 Baier, Kurt, 46
 Baldwin, David A., 73n
 Baldwin, Robert C., 149n
 Baran, Paul: economic structure of
 contemporary imperialism, 117
 Barker, Ernest: defense of Mill on
 statehood and nationality, 114

 Barkun, Michael, 47n
 Barnet, Richard, 145n
 Barratt, Michael Brown, 101n, 146n
 Barry, Brian, 3n, 30n; on global ap-
 plication of Rawls's principles,
 128n, 151n; on the problem of
 second best, 171n; on Rawls and
 international relations, 135
 Beales, A.C.F., 7n
 Beitz, Charles R., 123n, 152n
 Benn, S. I., 76n, 90; anti-paternalist
 argument for nonintervention, 84,
 85; states as free associations, 77
 Bergsten, C. Fred, 145n, 149n
 Berki, R. N., 182n
 Bodenheimer, Suzanne: economic
 structure of dependency, 117-18
 Bodin, Jean, 3; absence of common
 judge as reason for international
 skepticism, 26-27; on natural law,
 26; on sovereignty, 25-26; "true
 kings" and "despots" distin-
 guished, 26
 Bosanquet, Bernard, 76n
 boundaries: not morally decisive,
 176; and nationality, 112-15; and
 problem of eligibility for self-
 determination, 105-106, 109; and
 property rights, 109; Rawls on,
 132; significance in distributive
 justice, 161-69; and social cooper-
 ation, 151
 Bozeman, Adda B., 17n
 Brandt, Richard B., 19n
 Brewin, Christopher, 152n
 Brierly, J. L., 47n, 134n
 Brown, Seyom, 44n
 Brownlie, Ian, 149n
 Buchanan, James M., 158n
 Bukharin, N. I., 94
 Bull, Hedley, 20n, 71n
 bureaucrats, 39
 Butterworth, Robert L., 38n

Cambodia, 134, 160
 Canada, 107
 Cardozo, Michael N., 73n
 Carr, Edward Hallett, 32n
 charity, 143; as basis of international distributive obligations, 127; contrasted with justice, as source of obligations, 127, 159; as inappropriate model for foreign aid, 172-73
 Chase-Dunn, Christopher, 118n
 Chernotsky, Harry I., 118n
 Claude, Inis L., 157n
 coalitions of states, 47; effects of on international conflict, 37-38
 Cobban, Alfred, 94n; criticism of Mill-Barker view of nationality and statehood, 114
 coercion: and assurance problem, 158-59; intervention as, 72-73; legitimacy of, by governments, 79-80. *See also* war
 Cohen, Marshall, 9n
 Cohen, Stephen F., 94n
 collective goods: theory of, 49n
 collective guilt and responsibility, 9, 153n
 colonialism, *see* imperialism, self-determination
 community: international sense of, 155-58
 Connor, Walker, 114-15
 conscientious refusal: and participation in armed forces, 175-76
 consent: as basis of state autonomy, 76-79; and moral legitimacy of institutions, 78-79; possible conflict with justice, 103-104; and self-determination, 95-98; voting as a form of, 78-79; weakness of argument for political obligation, 78-80
 consequentialism, 171
 conservation of national resources, 142
 Cooper, Richard N., 43n, 440, 145n, 147n, 173n

cosmopolitan international theories, 9; characterized, 181-82; reasons for misunderstanding of, 183
 counterintervention, 87
 Cox, Richard, 60n
 cultural relativism: problem not limited to international ethics, 19; as source of international skepticism, 13, 17-19
 Danielson, Peter, 128n
 Denzer, Horst, 60n
 Deutsch, Karl W., 114n
 difference principle: and equality, 132, 162; global, *see* international distributive justice; Rawls's formulation of, 129-30
 Disraeli, Benjamin: justification of imperialism, 99
 domestic society: contrasts with international relations, summarized, 49-50, 154-55, 159
 Dos Santos, Theotonio: on economic dependence, 117n
 Durkheim, Emile, 157n
 Dworkin, Gerald, 89n, 100n
 East Asia, 144
 economic dependence, 69, 122; compared with imperialism, 116-17; as injustice, 119-20; as interference with state autonomy, 116, 119-21; Lenin on, 117; nature and effects of, 118
 economic development: relation of normative theory to study of, 123; and social justice, 81n, 98, 104-105, 122-23
 economic imperialism, *see* economic dependence
 economic inequality: and interdependence, 145-46
 Emerson, Rupert, 93n, 94n, 110n; on self-determination, 106-107
 environment, regulation of, 135
 equality of states: Rawls on, 75n, 134; Christian Wolff on, 75

- ethical egoism: compared to moral skepticism, 22
ethics, *see* morality
ethnic diversity, 115n
Europe, 144n
European Economic Community, 47
European Coal and Steel Community, 39
Evans, Peter B., 73n, 116n
expropriation, 149
- Fagen, Richard R., 148n
Falk, Richard A., 48n, 73n, 85n
Feinberg, Joel, 153n; criticism of Rawls on nonideal theory, 171
Findlay, Ronald, 146n
Fisher, Roger, 47n
food: rights to, 175-76
Foot, Philippa, 57n
foreign aid, 172-73
foreign investment, 144-45; in dependency theory, 118; and economic dependence, 116; as interference in internal affairs of states, 69; and international inequality, 145-48; and property rights, 149; voluntariness of acceptance of, 160
Frank, André Gunder, 118n
Frankel, Charles, 20n
Frankena, W. K.: on morality and egoism, 23
freedom of association: and consent theory of political obligation, 77-79; and eligibility for self-determination, 106-109; inapplicable to self-determination, 109-110; and justification of self-determination principle, 96-98; two senses contrasted, 77-78
free rider problem, 57, 158
French Canada, 107
French, Stanley: on conflicting claims of self-determination, 107; eligibility for self-determination, 105n
Freud, Sigmund, 157n
Friedmann, Wolfgang, 47n, 87n
Friedrich, Carl J., 82n
functional integration: theory of, 38-40
- Gallie, W. B., 9n
game theory, 42-43
Gauthier, David P., 31n; on morality and self-interest, 58n; on nuclear proliferation and equality of national power, 41; on nuclear weapons in Hobbesian conception of international relations, 41-42
Geller, Daniel S., 118n
Gellner, Ernest, 115n
General Agreement on Tariffs and Trade, 43
Germany, 94
Gierke, Otto von, 28n, 60n
Gilbert, Alan, 182n
Gilpin, Robert, 182
global monetary system, 43, 47, 147, 148, 173-75
Gottlieb, Gidon, 48n
Greece, ancient, 131
Green, Reginald Herbold, 175n
Gross, Leo, 94n
Grotius, Hugo, 7n; as father of modern international law, 71; on nonintervention, 71
Gutman, Andres: on conflicting claims of self-determination, 107; on eligibility for self-determination, 105n
- Haas, Ernst B., 38n, 39n
Haas, Michael, 39n
Hall, William E.: neutral nonintervention standard, 87-88
Halpern, Manfred, 73n, 85n
Hart, H.L.A.: on analogy between individuals and states, 48; on political obligation, 5711
Hegel, G.W.F., 76n
Held, Virginia, 9n, 153n
Higgins, Rosalyn, 94n, 105n
Hinsley, F. H., 7n

- Hobbes, Thomas, 3, 10n, 62n; argument for international skepticism, 14; basis of moral obligation, 31-32; basis of stable expectations in state of nature, 46; *De Cive*, 29; dynamics of state of nature, 28-30, 32; equality in state of nature, 40; *Human Nature*, 29; importance of survival in state of nature, 159; inappropriateness of moral judgments in state of nature, 179; independence of parties in state of nature, 42; individualism of state of nature, 37; international Leviathan not necessary, 33n, 41n; international relations as a state of nature, 8, 14, 28-34, 64, 181; international state of nature as analytical device, 35-50; international state of nature as prescriptive device, 50-63; on laws of nature, 31, 50-51, 61n; *Leviathan*, 7n, 29; on morality and self-interest, 51, 55-58
- Hobson, J. A., 100n, 117n
- Hoffmann, Stanley, vii n, 44n, 45n
- Holsti, Kal J., 147n
- Horsburgh, H.J.N., 10n
- Horst, Thomas, 145n
- Howe, James, 174n
- Hubin, D. Clayton, 142n
- human rights: consequence of Rawls's assumptions for, 133; relation to social justice, 123
- Hume, David, 78n; nature of society, 130
- ideal theory: Kant on, 156n; Rawls on, 133, 135, 170-71; relation to nonideal world, 156-58
- imperialism, 8, 69; Disraeli on, 99; economic, *see* economic dependence; Hobson on, 100n; as injustice, 101-102; main features of, compared with economic dependence, 116-17; Marx on, 99; J. S. Mill on, 99; as paternalism, 100-102; and self-determination, 93, 94
- incentives, 162
- incrementalism, 170
- inequality: domestic, 147-48; international, 145-48, 162
- Inkeles, Alex, 44n
- integration: functional, 38-40
- interdependence, 3-4, 42-44; distributive effects of, 145-46; domestic effects, 147-48; evidence of, 144-45; history of in international relations, 4n; relevance of controversy about effects of, 151-52; as social cooperation, 143-50; and vulnerability, 146-47
- international distributive justice, 125-76 *passim*; based on social cooperation, 150; as charity, 127; and debate about new economic order, 8; domestic obligations may limit, 165-66; and entitlements to natural resources, 136-43; and incentives, 162; in nonideal world, 169-75; objections based on contrast of international relations and domestic society, 154-61; objections based on right of states, 161-69; principle of, 150; subjects of, 152-53; utilitarian and contractarian approaches contrasted, 127
- international institutions and practices: compared with domestic analogues, 154-55, 157; and international common interests, 43-46; lack of enforcement capability, 154-55; reasons for compliance with, 48; reform of guided by justice, 173-75; as results of interdependence, 148-49; significance of in argument for distributive principle, 166-67; undesirability of global authority, 157; voluntariness of participation in, 160-61
- International law, 7n; and Austinian positivism, 26-27; customary, 47;

- and interdependence, 149; Rawls on traditional rules of, 134-35; relation to political theory, 70; self-determination principle in, 93
- International Monetary Fund, 43;
- Special Drawing Rights in, 174-75
- international moral skepticism, 7-8, 15-27; argument from cultural relativism, 17-19; argument from international state of nature, 27-34, 49; argument from moralism, 20-21; argument from national interest, 21-25; argument from sovereignty, 25-27; critique of summarized, 64-65, 179; distinguished from general moral skepticism, 16-17; prevalence of, 5, 13, 15; sources of, 13. *See also* international state of nature, national interest
- international political theory: and domestic justice, 122-23; and empirical political science, 181, 182; history of, 7; justification of principles of, 53-55, 59, 63, 149-51, 176; neglect of, 3, 10, 13; obstacles to, 5-6; possibility of, 13, 59; Rawls on, 132-36; relation of to international law, 70; relation to practice, 4-5, 170-72; relevance of recent changes to, 4; silence of tradition on distributive issues, 127; three modern approaches distinguished, 181-82. *See also* nonideal theory
- international relations: analogy with domestic society, 8-9, 49-50, 128, 154-61; common interests in, 49-50; empirical study of, 6, 9, 181, 182; "idealist" approach to study of, 20; power in, 40-42, 44-46; states as actors in, 36-40. *See also* assurance problem, boundaries, interdependence, international institutions and practices, international law, war
- international state of nature, 3-4; analogy of states and persons in, 36, 52-54, 63, 69; analytical and prescriptive uses contrasted, 35, 53; analytical use of, 35-36, 63-64; assurance problem in, 158-59; basis of stable expectations in, 46-48; Hobbes on, 28-34; inaccuracy of traditional image of, 179; Kant on, 44-45; and moral justification, 14, 35, 50-63; omits important features of international relations, 49; prescriptive use of, 50-51, 64-65; Pufendorf on, 60-62; reasons for persistence of image, 47-48; Rousseau on, 33n, 45; as source of international skepticism, 13-14, 27-28, 31-34; as state of war, 14, 48-49
- intervention: "broad definition" of, 74; controversy about definition of, 74, 91-92; economic aid as, 73; goals of, 73; and interdependence, 87; main objections practical rather than theoretical, 83; meaning of, 72-74; and military force, 72; moral limits on summarized, 91-92; "narrow definition" of, 72, non-national actors as agents of, 73; reform, perils of, 82. *See also* nonintervention principle
- Italy, 94
- Jennings, W. Ivor, 106n
- Johnson, Harry G., 124n
- jus ad bellum*, 10
- jus in bello*, 47, 134
- justice, Hobbes on, 29-30; Rawls on natural duty of, 171; sense of in international relations, 155, 157-58; of war, *see* just war. *See also* international distributive justice, social justice
- just war, 9-10, 47, 133-34, 142, 175-76
- Kant, Immanuel: on cosmopolitan international theory, 9, 181-82;

- Kant, Immanuel (*cont.*)
 economic co-operation as basis of international morality, 144; effect of interdependence on conflict, 45n; on nonintervention, 82; *Perpetual Peace*, 7n, 45n, 82; on possibility in ideal theory, 156n; on rights to earth's surface, 138n; theory of international justice, 136
- Katzenstein, Peter J., 144n
- Kaufman, Robert R., 118n
- Kay, David A., 149n
- Kelman, Herbert C., 114n, 158n
- Kenna, George F., 12, 17n
- Keohane, Robert O., 20n, 38n, 39n, 43n, 46n, 145n, 146n, 148n, 149n
- Koebner, Richard, 99n
- Krieger, Leonard, 60n
- Latin America, 144
- Lauterpacht, Hersch, 73n
- law of nations: Rawls on, 132, 133-34, 149, 170. *See also* international law, natural law
- law of nature, *seenatural* law
- Lefever, Ernest W., 82n
- Legault, Albert, 41n
- legitimacy (moral) of institutions:
 contrasted with *defacto* legitimacy, 78n; and hypothetical social contract, 80; not based on consent, 79; as subject of political theory, 13
- Lenin, V. I.: on economic imperialism, 117; on self-determination, 94
- liberal approach to international studies, 182
- liberty: as analogy in argument against intervention, 71, 75-77, 83-84, 88-90; in argument for self-determination, 92-93, 96-97, 98, 100; considerations of relevant to natural talents, 139; and imperialism, 99-102; and nationality, 112-14; as a neutral principle, 89; and paternalism, 100
- Lindsey, George, 41n
- Locke, John: importance of international relations in *Second Treatise*, 60n; on state of nature, 59-60; on "tacit consent," 78-79
- Loewenstein, Karl, 82n
- loyalties: to nation-states, 157-58, 164-65
- Luxemburg, Rosa, 94
- Machiavelli, Niccolò, 3; on the national interest as first principle, 22-23; on public and private morality, 22; as skeptic, 23; on *virtù* and national interest, 22n
- Mao Tse-tung, 117n
- Marx, Karl, 182n; on economic imperialism, 117n; on imperialism, 99
- Marxist approach to international studies, 182
- Mazzini, Giuseppe, 94
- mercantilist approach to international studies, 182
- Midgley, E.B.F., 7n
- Mill, John Stuart, 106n; antipaternalist argument against intervention, 85-87; apology for imperialism, 99; argument against paternalism, 84; "A Few Words on Non-intervention," 82; on nationality, 112-14; on nonintervention, 78n, 82; *On Liberty*, 84; on self-determination, 96; "Vindication of the French Revolution of February, 1848," 82
- Miller, David, 122n
- Miller, Lynn H., 47n
- Mitrany, David, 39n
- Moore, John Norton, 74n
- moral intuitions, 6, 17, 56
- moralism: and argument for skepticism, 20-21; kernel of truth in, 183
- morality: cannot demand the impossible, 155-56; Hobbes's view of, 28-29; inadequacy of Hobbes's view, 56-58; intuitions about, 6, 17, 56; nature of, 16, 23; and self-

- interest, 56-58; skepticism about international, *see* international moral skepticism
- morality of states, 8, 14; critique of summarized, 180; as main alternative to international skepticism, 14, 65; as natural law tradition, 8; and international distributive justice, 66, 127; and principle of state autonomy, 65-66, 69; main features analogous to liberalism, 66
- moral skepticism: compared to ethical egoism, 22-23; distinguished from international moral skepticism, 16-17; generalized, 15-16
- Moran, Theodore H., 120n, 145n
- Morgenbesser, Sidney, 9n, 116n
- Morgenthau, Hans, 19n; ambiguity of view of national interest, 20n; on intervention, 24n; on moral status of national interest, 54-55; national interest constrained by domestic morality, 25; on political realism and international morality, 19-21
- Morse, Edward L., 43n, 44n
- Moss, Robert, 161n
- Moynihan, Daniel P., 122n
- Müller, Ronald, 145n
- multinational corporations, 39; and dependency theory, 117; and economic dependence, 116; and interdependence, 144-45; interference of, in internal affairs of states, 69; political power of, 146
- mutual aid, *see* charity
- Nagel, Thomas, 9n, 16n, 56n, 173n
- national interest: ambiguity as evaluative standard, 20n; ambiguity of relation to individual interests, 52; as first principle of international morality, 23; and moral values of a state, 24-25; Machiavelli on, 21-23; relation to individual self-preservation, 52; relation to national survival, 52-55; skeptical argument from responsibilities of leaders to promote, 23-24; as source of international moral skepticism, 21-25
- nationality: Acton on 113-14; Barker on, 114; Cobban on, 114; definition of, 114-15; J. S. Mill on, 112-14; moral significance of sentiments of, 164; and self-determination, 106, 112-15
- nation-state, *see* state
- natural law: Jean Bodin on, 26; Hobbes on, 31, 50-51, 61n; and international state of nature, 28; Locke on, 60; Pufendorf on, 60-61; relation of, to international skepticism, 59; tradition characterized as morality of states, 8
- natural liberty: Rawls on system of, 163
- natural moral requirements, 57, 58
- natural resources: claims to as justification of war, 142; compared to natural talents, 137-40; conservation of, 142; entitlements to, 136-43; natural distribution of as morally arbitrary, 140; and property rights, 149
- Nelson, William N., 140n
- neutral principles, 88
- New International Economic Order, 127, 173-75
- nonideal theory: difficulties of, 183; and international distributive justice, 156-58, 169-76; problems likely to be more difficult in international than domestic politics, 158-60; Rawls on, 133, 135, 170-71
- nonintervention principle, 8, 121; antipaternalist argument for, 84-87; application to just and unjust states contrasted, 90; argument by analogy with personal liberty, 21, 75-77, 83-84, 88, 89; argument from state autonomy, 71, 75-83; contrasted with self-

nonintervention principle (*cont.*)
 determination principle, 93; derived from autonomy of states, 69; effects of, 149; history of, 71; Kant on, 82; J. S. Mill on, 82; main arguments for, 83; as neutral standard, 87-89; not exceptionless, 89-90; Rawls's justification of, 134; sources other than state autonomy, 90-91; Christian Wolff on, 75-76. *See also* intervention
 nonviolence, 9, 10n, 44
 North Atlantic Treaty Organization (NATO), 47
 Northrup, F.S.C., 17n
 Nozick, Robert, 162n
 nuclear weapons and deterrence, 41-42
 Nye, Joseph S., Jr., 2on, 38n, 39n, 43n, 46n, 149n

 Ooms, Van Doom, 145n, 146n, 148n
 Oppenheim, L., 72n
 Organization for Economic Cooperation and Development, 148
 original contract, *see* social contract
 original position: argument for resource redistribution principle, 141; constraint of possibility, 155-56; Rawls on, 130; Rawls's application of to international relations, 133-34; reinterpreted for international relations, 151
 outer space: as common area, 149; exploitation of, 136

pacta sunt servanda rule, 149; Rawls's justification of, 134
 Parkinson, F., 7n
 paternalism: argument against applied to intervention, 84-87; and hypothetical social contracts, 101; and imperialism, 100-102; when justified, 100
 Pennock, J. Roland, 101n, 123n
 Peters, R. S., 76n, 90; antipaternalist

argument for nonintervention, 84, 85; states as free associations, 77
 Pitkin, Hanna, 78n
 Plamenatz, John, 96n
polis, 131
 political development: hypotheses about, in antipaternalist argument against intervention, 85-86; relation of normative theory to study of, 123
 political inequality, *see* vulnerability
 political obligation: effects of international principles on, 175-76; impossibility of self-interest-based justification of, 57; and right of secession, 107-108
 political realism: meaning of, 19-21; and national interest, 21-22; objection to moralism, 21; as research orientation, 20; as source of international skepticism, 13, 15. *See also* international moral skepticism
 political theory: nature of, 4-5, 13. *See also* international political theory
 population control policies, 135, 161n
 positivism: legal, 27
 power: in Hobbes, 36, 40-41; inequality of, in international relations, 40-42, 48; of multinational corporations, 146; nature of, in international relations, 41, 44-46; and vulnerability, 146-47
 property rights: and international law, 149; lack of moral foundation of in international relations, 172; and self-determination, 109-110
 Pufendorf, Samuel, 7n, 69; analogy of states and persons, 61-62; application of natural law to nations, 60-62; argument for state autonomy, 180; critique of Hobbes, 60, 65; *Of the Law of Nature and Nations (De jure naturae et gentium)*, 60
Québécois, 107

- Rapoport, Anatol, 43n
 Raser, John R., 43n
 Rawls, John, 136n, 164n; assumption of national self-sufficiency, 132, 170; *A Theory of Justice*, 8; conflicts among natural duties, 171; on conscientious refusal, 175; on distribution of natural talents, 137-40; on equality of states, 75n, 134; on equal liberty, 88n, 89n; failure to recognize resource problems, 143, 169-70; "general conception" of justice, 130; on "ideal theory," 133, 135, 170-71; importance of feasibility in choice of principles, 155-56; international original position, 133-34; on justice in developing societies, 123n; on just savings rate, 142; on law of nations, 132, 133-34, 149, 170; on natural duties, 132, 133, 141, 170; "original position," 130; principles of justice apply to "basic structure," 129, 166; sense of community as motivation for compliance with principles, 155; social unity achieved through common acceptance of principles, 158n; society as cooperative venture for mutual advantage, 130-32, 150n; on state boundaries, 132; on system of natural liberty, 137-38, 163; theory of distributive justice applied to international relations, 128-29, 151, 180-81; two principles of justice, 129-30; "veil of ignorance," 130
 reform intervention, 82
 regimes, 43. *See also* international institutions and practices
 resource redistribution principle, 162; argument for in international original position, 138, 141; case for, not undermined by self-sufficiency assumption, 140-41; and intergenerational justice, 142; problems of formulating, 141-42; strongest distributive principle applicable to self-sufficient states, 144. *See also* natural resources
 Rhodesia (Zimbabwe), 94
 Richards, David A. J., 151n
 Rosecrance, Richard, 43n, 144n
 Rosenau, James N., 73r, 149n
 Rousseau, Jean-Jacques, 62n; on analogy of international relations and domestic society, 33n; effect of interdependence on conflict, 45n
 Ruggie, John Gerard, 40n, 49n
 Scanlon, Thomas, 9n, 128n, 151n; on secession and political obligation, 108n
 Schiffer, Walter, 7n, 60n, 143n
 Schlesinger, Arthur, Jr., 24n
 Schmidt, Helmut Dan, 99n
 Scott, Andrew M., 74n
 seas: as common areas, 149; exploitation of, 136
 secession: right of, 103-104, 107-108; as self-determination, 107-108
 secessionist movements: intervention in support of, 87
 second best: problem of, 171
 sectional associations: rights of states as, 163-67
 self-defense: ambiguity of national right of, 51-53; right of, in Hobbesian state of nature, 52; Rawls on, 134
 self-determination principle, 8, 121; ambiguity of, 95, 104-105, 120; analogy with "positive" liberty, 92-93; argument from freedom of association, 95-96; and consent, 103-104; common characteristics approach to eligibility problem, 110-11; contrasted with nonintervention principle, 93; derived from autonomy of states, 69; and economic dependence, 116, 119-21; eligibility for, 105-115; eligibil-

- self-determination principle (*cont*)
 - ity problem and freedom of association, 106-109; eligibility problem and social justice, 111-12, 115; history of, 93-95; importance of empirical generalizations in justification of, 102, 104; inadequacy of freedom of association view, 96-98; inapplicability of free association model to eligibility problem, 109-110; internal and external senses contrasted, 93n; justification of application to colonial cases, 96-104; and nationality, 106, 112-15; problem of conflicting claims, 107-108; Rawls's justification of, 134; relation to social justice summarized, 104; as remedy for social injustice, 98-99; territorial component, 109-110
- self-government: and self-determination, 98, 104
- self-help, *see* self-defense
- self-sufficiency of states: assumption of does not undermine resource redistribution principle, 140-41; contrasted with interdependence, 143-44; implausibility of assumption of, 149-50; Rawls's assumption of, 128, 132, 136
- sense of justice, 155-58
- separatism, 106-12
- Sewell, James Patrick, 39n
- Shue, Henry, 161n
- Sidgwick, Henry, 27n; on natural resources, 137
- Simmons, A. John, 79n
- Singer, Hans W., 175n
- Singer, J. David, 37n
- Singer, Peter, 150n
- Slote, Michael A., 104n
- Small, Melvin, 37n
- Smith, Tony, 147n
- Social contract: and international distributive justice, 127-28, 175-76; and justification of self-determination principle, 98-102; as mechanism for justifying principles of justice, 80; and paternalism, 101; Rawls's application to international relations ignores resource problems, 143
- social cooperation: distinction between natural and social components unnecessary in domestic case, 143; international interdependence as, 42-44, 47-49, 143-50; meaning of in Rawls's theory of justice, 130-32, 150n; and national boundaries, 132; natural and social components distinguished, 137; not only source of moral ties, 141; problem of nested schemes of, 163-67
- social justice: basic problem of, 129; consistency of domestic and international, 150; and critique of imperialism, 101; and economic dependence, 119-20; and natural resources, 137; and nonintervention principle, 80-83, 86, 89-92; possible conflict with consent, 103-104; principles may vary with context, 81n, 98, 104-105, 122-23; Rawls's principles of, 129-30; relation to state autonomy summarized, 121-22; and self-determination principle, 98-104; and state autonomy, 69, 80-81. *See also* international distributive justice
- South Africa, 94, 134
- South Moluccans (Indonesia), 102
- sovereignty: Jean Bodin on, 26; over natural resources, 142n; as source of international moral skepticism, 25-27; Christian Wolff on, 75. *See also* autonomy of states
- Stallings, Barbara, 116n
- state of nature: basis of stable expectations in, 46-48; Hobbes and Locke contrasted, 59-60; Hobbes on, 28-30, 37; Hobbes's view of, as analytical device, 35; Hobbes's view of, as moral construct, 50-51;

- individualism of Hobbes's view of, 37; international relations as, *see* international state of nature; as state of war, 28-29
- states: as actors in international relations, 36-40, 54; analogy with persons, 38, 52, 69, 75-76, 81; as associations, 78; autonomy of, *see* autonomy of states; nature of, 38, 52, 76-77, 81; obligations to future generations within, 167-169; role of, in international political theory, 54n; special rights to domestic product of, 161-169; as subjects of distributive obligations, 152-53. *See also* boundaries, social cooperation
- Stawell, F. Melian, 7n
- Stepan, Alfred, 120n
- strict compliance: Rawls's assumption of, 135
- Sunkel, Osvaldo, 116n, 120n
- tariffs, 144
- Thomas, A. J., 73n, 75n, 92n
- Thomas, A.V.W., 73n, 75n, 92n
- Thompson, Kenneth W., 20n, 24n
- trade, 144-45; argument for tariff preferences for poor countries, 174; in dependency theory, 118; gains from, 145-46; and international inequality, 145-48; international regulation of, 148; voluntariness of participation in, 160; and vulnerability, 146-47
- transfer pricing, 146
- transnational actors: and Hobbesian view of international relations, 38-39. *See also* multinational corporations
- Tucker, Robert W., 152n, 153n
- Ulyanov, V. I., *see* Lenin
- United Nations, 73, 85, 155; definition of nonintervention, 92n; General Assembly Declaration on New Economic Order, 126n, 127; rejection by General Assembly of colonial paternalism, 99n; self-determination principle in General Assembly, 93-94
- United Nations Conference on Trade and Development, 47
- Universal Postal Union, 47
- universalism, political, 182-83
- utilitarianism: approach to international distributive justice, 127
- Vaitsos, Constantine V., 146n
- Van Dyke, Vernon, 105n, 110n
- Vattel, Emerich de, 69, 75n; on nonintervention, 71
- "veil of ignorance": Rawls on, 130; should exclude knowledge of citizenship, 151
- Vernon, Raymond, 145n
- Vincent, R. J., 75n, 76n; antipaternalist argument for nonintervention, 84; definition of intervention, 72n, 74n; neutrality of nonintervention principle, 87-89; on respect for sovereignty, 84n
- violence, 9, 44-45, 72, 91. *See also* war
- voting: as from of consent, 78-79; and self-determination, 96-98
- vulnerability: as political inequality, 146-47
- Wallerstein, Immanuel, 4n
- Waltz, Kenneth, 35n, 144n, 157n; economic self-sufficiency of United States, 150n
- Walzer, Michael, 9n, 164n; antipaternalist argument against intervention, 85-86; consent theory of state autonomy, 77, 79n; on state sovereignty, 68
- war: causes of, 7n, 35n, 37-38; crimes of, 9-10, 134; its place in international relations, 4, 48-49; morality of, 9n, 10; moral problems set aside in this book, 10; as result of international interdependence, 44-46; rules of, 47

Warrender, Howard, 41n
 Warsaw Pact, 47
 Warwick, Donald P., 40n
 Wasserstrom, Richard, 9n
 Watkins, J.W.N., 31n
 Weber, Max, 182
 Wechsler, Herbert, 88n
 Wicclair, Mark, 135n
 Wight, Martin, 3n, 7n
 Wilson, Woodrow, 94
 Winfield, P. H., 71n
 Wolfers, Arnold, 7n
 Wolff, Christian, 7n, 69, 71, 180; argument for nonintervention based on analogy of states and persons,

75-76; doctrine of *civitas maxima*, 143n
 Wolin, Sheldon S., 22n
 world economy, *see* interdependence
 world federalism, 183
 World Health Organization, 47
 World Meteorological Organization, 39
 Young, Oran, 37n, 73n
 zero-sum game: international relations as, 42
 Zimbabwe (Rhodesia), 94
 Zolberg, Aristide R., 101n